

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Recd.

1908.

Enclosures

Spare copies

G.O., No. 347, 8th May 1908.

Pachaiyappa's High School, Conjeeveram.

Declining to make a contribution at present towards the cost of acquiring a house and site for providing additional accommodation for the — and stating that the Trustees of the Pachaiyappa's Charities must make further attempts to arrive at a settlement with the owner.

order
page no.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Letter—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction.

To—the Secretary to Government, Educational Department.

Dated—Madras, the 11th April 1908.

No.—Ref. on Cur. 2408.

At the request of the Trustees of Pachaiyappa's Charities, I have the honour to submit for the orders of Government the following facts in regard to the question of acquiring under the provisions of the Land Acquisition Act a house and site for the additional accommodation of the Pachaiyappa's High School, Conjeeveram.

2. The Collector of Chingleput who was approached on this subject by the Trustees of the Pachaiyappa's Charities has declined to acquire the property in question on the ground that, under section 6 (1) of Act I of 1894, he could not declare that the property is required for a public purpose inasmuch as it is not to be paid for in part at least from public funds. The Trustees now apply under Rule 51 of the Grant-in-Aid Code for a grant towards the cost of the said property. The intention of this application is to bring their case within the purview of the Land Acquisition Act. I am by no means prepared to recommend this proposal for the favourable consideration of Government as it is likely to create or add another precedent of an undesirable character.

3. A copy of the Trustees' letter Ref. on Cur. No. 228, dated 27th March 1908, is enclosed. The grant which they refer to as having been sanctioned in 1904 was cancelled in 1905 as it was then found that the institution had been overaided in the shape of salary grants to a very large extent.

ENCLOSURE.

Letter—from M.R.Ry. A. GOVINDARAJA MUDALIYAR Avargal, Secretary to the Trustees of Pachaiyappa's Charities, Madras.

To—the Director of Public Instruction.

Dated—the 27th March 1908.

No.—Ref. on Cur. 228.

I am directed by the Trustees of Pachaiyappa's Charities to address you again on the subject of acquiring the adjacent house and ground for the extension of Pachaiyappa's High School building at Conjeeveram. In 1904 certain additions for which a one-third grant was sanctioned by you were actually commenced but were subsequently stopped as the Inspector of Schools thought that the plan of the proposed extension might with advantage be materially altered and adequate accommodation provided for the increasing strength of the school. The Trustees cordially accepted the proposals of the Inspector and since then they have been negotiating for the purchase of the adjacent house but for some reason or the other the owner sold away the house to a private individual though the Trustees offered to pay Rs. 200 more than the amount he actually obtained. The Trustees then applied to the Collector of Chingleput and yourself for the acquisition of the building and ground under the Land Acquisition Act—*vide* this office letter Ref. on Cur. No. 559, dated 7th August 1907, but the applications have not been successful owing to certain technical difficulties.

2. The Trustees understand, however, that acquisition under the Land Acquisition Act can be made if the sum required for the purchase is met in part at least from public funds. I am, accordingly, directed to apply to you for a grant for the purchase of the house under article 50 of the Grant-in-Aid Code and also to request you to be so good as to move the Government to acquire the house and ground for the use of the school. I beg to add that the plan and estimate for the extension at an aggregate cost of about Rs. 12,000 were prepared nearly three years ago and the necessary provision has been annually made in the Trustees' budget, but the work has been put off owing to the non-acquisition of the house referred to. It is not possible to build the extension on any other site. The Trustees beg to invite your attention to the following extract from the Central Hindu College Magazine, Volume 6 of 1906, page 133, showing a somewhat analogous case, in which the Land Acquisition Act was put into force under similar circumstances by the Government of the United Provinces of Agra and Oudh :—

"The Central Hindu College has good reason to be grateful to Sir James Digges La Touche for putting the Land Acquisition Act into force on its behalf. The immediate occasion of this was the need for the college to become the possessor of a number of mud huts which had closed it in, huts of the most insanitary character, and offering a fertile field for plague. The land belonged to His Highness the Maharaja of Benares and was a mere strip between the college boundaries and the public roads. This was acquired from the Maharaja by exchange, the college giving him a larger amount of land in the immediate neighbourhood. But the hut owners had independent rights, and had to be treated with separately. Some willingly sold their huts, at a price above market value, others refused, or put on their buildings such an exorbitant price that it could not be paid; the college bought a piece of land close by and offered to build new and more decent cottages for the owner of the huts but no, they would not move. At last an appeal was made to the Lieutenant-Governor for the menace to the health of the boys was serious from the insanitary conditions of this enclosing ring of huts, and he has put into force for the college the Land Acquisition Act, so that the college can buy up the huts at a price fixed by the courts and the college is recognised as a public body within the meaning of the Act."

Order—No. 347, Educational, dated 8th May 1908.

The Director of Public Instruction will be requested to inform the Trustees of the Pachaiyappa's charities that the Government are not prepared at present to make a contribution towards the cost of acquiring the site referred to or to assist them in acquiring it. The Trustees must make further attempts to arrive at a settlement with the owner.

(True Extract.)

C. A. SOUTER,
Ag. Secretary to Government.

To the Director of Public Instruction.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 347, EDUCATIONAL, DATED
8TH MAY 1908.

[SUBJECT.—*Acquisition under the Land Acquisition Act of a house and site for the
Pachaiyappa's High School, Conjeeveram.*]

Previous papers.

<i>G.O., No. 307, Educational, dated 24th June 1903.</i>			
"	"	624	" " 15th Dec. "
"	"	589	" " 21st Jan. 1904.
"	"	304	" " 17th May "
"	"	316	" " 21st " "
"	"	671	" " 11th Nov. "
"	"	723	" " 7th " 1905.

From the Director of Public Instruction, dated 11th April 1908, No. 2408.

The Trustees of the Pachaiyappa's Charities request that a grant may be sanctioned under article 50 of the Grant-in-Aid Code for the purchase of a house adjacent to the Pachaiyappa's High School at Conjeeveram for providing additional accommodation for the school and that the house in question may be acquired by Government under the Land Acquisition Act.

2. The Trustees make this application for the following reasons:—

(1) They negotiated with the owner for the purchase of the house, but for some reason or other the owner sold the land to a private individual although they had offered him Rs. 200 more than the amount paid by the private purchaser.

(2) It is not possible to build the extension required for the school on any other site.

(3) Owing to the non-acquisition of the house, the extension proposed to be executed at a cost of Rs. 12,000 has been put off for the last three years.

(4) The Collector of Chingleput to whom the Trustees applied for the acquisition of the house under the Land Acquisition Act, declined to move in the matter as he could not declare that the land was required for a public purpose as the compensation to be paid for it was not to be met in part at least from public funds.

(5) If the Government will pay a grant towards the purchase of the house, it can then be acquired under the Land Acquisition Act—*vide* section 6 (1) of the Act.

3. The Trustees also quote in support of their request an instance in the United Provinces of Agra and Oudh, where the Government of those Provinces acquired

The acquisition in that case was made on
sanitary grounds.

H. D. TAYLOR.

under the Land Acquisition Act a strip
of land for the Central Hindu College at
Benares, which the owners had refused
to part with unless an exorbitant price
was paid.

4. The Director of Public Instruction in submitting the Trustee's application for the orders of Government states that the intention of the application is to bring the case within the purview of the Land Acquisition Act, but that he is "by no means" prepared to recommend the application for the favourable consideration of Government as it is likely to create or add another precedent of an undesirable character."

5. For a precedent for the Government acquiring a site for a school, please see G.O., No. 307, Educational, dated 24th June 1903, ordering the acquisition of certain lands for the Basel Mission School at Calicut. In that case, the owner of the land was willing to sell and the Basel Mission was prepared to pay the price demanded, but as the owner could not give a valid title, the Government acquired the land under the Land Acquisition Act, paying a grant of Rs. 150 towards the cost of the land to make the acquisition legal. In G.O., No. 316, Educational, dated 24th May 1904, the Government declined to acquire certain lands for the Voorhees' College, Vellore. In this case, the owners were prepared to sell the lands but demanded a larger amount than the sum the American Arcot Mission was prepared to pay as price. The Government, therefore, refused to assist the Mission at that stage and required them to make the necessary settlement with the owners.

6. In the present case, the owner of the house does not appear to be willing to sell it to the Trustees although the Trustees are willing to pay more than the price put upon the house. In these circumstances, it is for consideration whether the Government will or will not assist the Trustees in acquiring the house referred to.

7. Under section 6 (1) of the Land Acquisition Act, 1894, land may be acquired for a public purpose or for a company; but under the proviso to that section no land should be declared to be needed for a public purpose "unless the compensation to be awarded for such property is to be paid by a company or wholly or partly out of public revenues or some fund controlled or managed by a local authority". The Trustees of the Pachaiyappa's Charities are not a company; and the acquisition of the house in question cannot be declared to be "for a public purpose", unless the Government should make a grant towards the compensation to be paid for the house.

T.K.—1-5-08.

K. RANGASWAMI AIYANGAR—1-5-08.

We may, it is presumed, take it for granted that the extension of the school is necessary. The school authorities say that this is the only site available. There seems, therefore, *prima facie* ground for assisting them. The precedent need not be inconvenient in any way. But there is something strange in the fact that the original owner sold the building for some Rs. 200 less than the school offered.

C. A. SOUTER—1-5-08.

It does not appear that the Trustees have made any attempt at negotiation with the new purchaser for the acquisition of the site.

The Pachayappa Charities are still in Court, and the scheme, as I see in the papers, has been deferred till July. Moreover, only *certain classes* of students are admitted to these institutions.

The other precedents quoted at Calicut and Benares were both made on very special grounds—the one to confer a legal title with consent of the owner, and the other on sanitary grounds.

I think that the application should be refused, at any rate until the new scheme for these charities is settled, and until the Trustees have shown that they have made a reasonable effort to arrange with the new owner of the house a site for its purchase.

H. D. TAYLOR—2-5-08.

I agree. I don't think at present Government should make a contribution for this purpose. The Trustees must make further attempts to arrive at a settlement with the owner.

M. H[AMMICK]—6-5-08.

Draft please.

C. A. SOUTER—7-5-08.

The draft order placed below is for approval.

K. RANGASWAMI AIYANGAR—7-5-08.

Issue.

C. A. SOUTER—8-5-08.

[G.O., No. 347, Educational, dated 8th May 1908.]

EDUCATIONAL DEPARTMENT.

Received 12-4-1908, Registered 12-4-1908.

Subject.

Submitting for orders of Government certain facts in regard to the question of acquiring under the provisions of the Land Acquisition Act a house and site for providing additional accommodation for the Pachaiyappa's High School, Conjeeveram.

ENCLOSURES.

No.

Spare copies

Ref on Current No. 2408/08

Station Madras, Dated the 11 April 1908.

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.

(Designation) Director of Public Instruction

Madras.

To the Secretary to the Government of Madras,
Educational Department

Sir,

At the request of the Trustees of Pachaiyappa's Charities, I have the honour to submit for the orders of Government the following facts in regard to the question of acquiring under the provisions of the Land Acquisition Act a house and site for the additional accommodation of the Pachaiyappa's High School, Conjeeveram.

2. The Collector of Chingleput who was approached on this subject by the Trustees of the Pachaiyappa's Charities has declined to acquire the property in question on the ground that under section 6 (1) of Act I of 1894, he could not declare that the property is required for a public purpose in as much as it is not to be paid for in part at least from public funds. The Trustees now apply under Rule 51 of the Grant-in-Aid Code for a grant towards the cost of the said property. The intention of this application is to bring their case within the purview

” ” ” ” ” ” 190

C. No. 944, From the 8-P-9, No. 2408, dated 11-4-1908

[illegible]

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No. 347, dated 8-8-1908

The D.P.G. will be requested to inform the Trustees of the Pachayappa's Charities that the Government are not prepared ^{at present} to make a contribution towards the cost of acquiring the site referred to ^{to assist them in acquiring it.} The Trustees must make further attempts to arrive at a settlement with the owner.

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Chas
S. S. 8.

DESPATCHED
9 MAY 1908

WA

20th Sep.