

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Recd.

} 1909.

Enclosures

Spare copies

G.O., No. 119, 2nd March 1909.

Government College, Mangalore.

Accepting the conditions proposed by the Agent, South Indian Railway, for the lease of two plots of ground in their possession near the — to be used as a play-ground for it.

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Further paper

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2-8-33.

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8/1/40.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers :—

I

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

To—the Secretary to Government, Educational Department.

Dated—Madras, the 26th October 1908.

No.—Ref. on Cur. No. 8688/07.

The Principal, Mangalore College, reports that the need for an additional play-ground for the college is very greatly felt as the existing one is quite inadequate for games and other recreations. The college had once been provided with a spacious play-ground on the southern side of it, but this was taken away in 1890 for the construction of the Taluk office. Subsequently in 1895 another large plot of ground adjoining the college compound to the east of it was granted as a play-ground and this also was taken away for the extension of the Railway buildings. I now understand from the Principal's report that the construction of the Railway buildings has all been completed and that there are still two plots of ground adjacent to the east and south of the college, which are vacant but which have been fenced off by the Railway authorities as their property. So far as can be seen at present, there does not appear to be any likelihood of further extensions to the Railway buildings for many years to come and the plots in question appear to be kept unutilized on the mere offchance of their being required at some very distant date. The Agent, South Indian Railway, has recently informed the Collector of the district that the Company cannot make over to the college either of the plots in question as a permanent arrangement but that he would have no objection to allow it the use of either or both the plots on the understanding that no buildings of any kind are erected on the land and that the college authorities execute an agreement to surrender the land on three months' notice and to pay a rental of Re. 1 *per annum* for the use of the property. But the Principal reports that he understands from the Collector that the land in question is Government property, the Railway Company being only permitted to occupy it, and suggests that an application be made for its retransfer to Government for the use of the college as an additional play-ground.

2. In these circumstances, I have the honour to support the Principal's proposal and to recommend that, as there is very little land belonging to the college, both the plots specified above may be obtained for the college.

II

Memorandum No. 2317-4, Educational, dated 16th December 1908.

With reference to paragraph 1 of the accompanying letter from the Director of Public Instruction Ref. on Cur. No. 8688, dated 26th October 1908, recommending that the two vacant plots of ground adjoining the Government College, Mangalore, to the east and south of it, now in the possession of the Railway Company, may be obtained for the use of the college as an additional play-ground, the Collector of South Canara is requested to state on what authority he told the Principal of the college that "the land in question is Government property, the Railway Company being only permitted to occupy it."

(By Order.)

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

To the Collector of South Canara.

III

Letter—from M. AZIZ UD-DIN Sahib Bahadur, Khan Bahadur, Collector of South Canara.

To—the Secretary to Government, Educational Department.

Dated—Mangalore, the 31st December 1908.

No.—15-D./Rev. of 1909.

With reference to Government Memorandum, No. 2317-4, Educational, dated 16th December 1908, I have the honour to state that I remember having expressed to the Principal of the Government College that the land was Government land in the occupation of the Railway Company in consideration of the views expressed by the Board in its Resolution, Mis. No. 2094, dated 10th July 1908, embodied in G.O., No. 2080, Revenue, dated 31st July 1908, as the land was originally Government land and was transferred to the Railway Company without any compensation.

2. The enclosure is resubmitted.

IV

Letter—from A. BUTTERWORTH, Esq., I.C.S., Acting Secretary to Government, Educational Department.

To—the Agent, South Indian Railway, Trichinopoly.

Dated—the 10th February 1909.

No.—19-1.

The Government College at Mangalore is in need of an additional play-ground as the old play-ground of the college which was situated to the east of the college compound was taken up some years ago for the construction of Railway buildings. The Government understand that the construction of Railway buildings has been completed but that there are still two plots of ground to the east and south of the college which are not used and which do not appear to be wanted by the Company in the near future for building purposes. It appears that you informed the Collector that you would allow the use of the land on the conditions that the College authorities agree to vacate on three months' notice, to pay a nominal rent of Re. 1 a year and not to put up any buildings. As, however, Railway A class land is the property of Government which the Railway Company is merely permitted to occupy, the payment of rent for the use of it by a Government institution seems inappropriate and I am directed to ask whether you will agree to forego rent for the two plots in question, the other conditions remaining as proposed by you to the Collector.

V

Letter—from NEVILLE PRIESTLEY, Esq., Agent, South Indian Railway.

To—the Secretary to Government, Educational Department.

Dated—Trichinopoly, the 15th February 1909.

No.—A C. 1115/34/16.

It is entirely a legal question. The land may belong to Government but we are the lease-holders and for the time being the Government claim to it has ceased. If you are legally advised that we do not risk forfeiting our lien on the land by charging no rent, I am prepared to forego our claim for rent. I fixed the amount low so that it could not possibly be a burden. I am prepared to make the amount an anna, but I think I should be easier in my mind if some rent is paid.

Order—No. 119, Educational, dated 2nd March 1909.

The Director of Public Instruction requests that two plots of land adjacent to the Government College, Mangalore, should be obtained for the use of the college as a play-ground. This land appears to be in the permanent occupation of the Railway,

and its transfer to the college cannot therefore be effected. The Agent of the South Indian Railway is prepared, however, to let the college use the land on the following conditions, viz.—

- (1) that a rent of Re. 1 per annum is paid,
- (2) that no buildings are erected thereon, and
- (3) that the land is surrendered when required by the Railway on three months' notice.

2. The Government accept this arrangement on the presumption that the condition regarding the erection of buildings applies only to buildings of a permanent character and not to a temporary structure like a cricket pavilion.

(True Extract.)

A. BUTTERWORTH,
Ag. Secretary to Government.

To the Director of Public Instruction.
,, Public Works Department (Railways).

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 119, EDUCATIONAL, DATED 2ND MARCH 1909.

[SUBJECT.—Transfer to the Educational Department of certain plots of ground near the Mangalore College now in the possession of the South Indian Railway authorities.]

From the Director of Public Instruction, dated 26th October 1908, No. 8688.

The Director of Public Instruction states that the need for an additional playground for the Mangalore College is very greatly felt and requests that an application may be made for the retransfer to Government of two plots of ground adjoining the college which are now in the possession of the South Indian Railway authorities. Dr. Bourne states that these plots of ground belong to Government and are not required by the Railway authorities.

2. The Director's letter may, it is submitted, be forwarded u.o. to the Public Works Department, Railway Branch, for remarks.

T.K.—4-11-08.

K. RANGASWAMI AIYANGAR—4-11-08.

C. A. SOUTER—5-11-08.

To the Public Works (Railway) Department.

PUBLIC WORKS (RAILWAY) DEPARTMENT.

Look up the land plans and see what has been actually acquired by the Railway.

F. D. FOWLER—6-11-08.

Plan No. 49 L. shows the land in the possession of the Railway Company at Mangalore, and the plan flagged V shows the Mangalore yard on a large scale.

W.N.—10-11-08.

The land actually in possession of the Railway Company is shown on the plan. The plots referred to in the letter from the Director might be shown on it: suggested that a ferro copy may be sent to him with request he will plot the land on it and return.

F. D. FOWLER—10-11-08.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

To the Director of Public Instruction u.o. for favour of compliance.

H. D. TAYLOR—12-11-08.

To the Director of Public Instruction.

No. 119, EDUCATIONAL, 2ND MARCH 1909.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION.

This has been done.

A. G. BOURNE—1-12-08.

To the Public Works (Railway) Department.

H. D. TAYLOR—3-12-08.

PUBLIC WORKS (RAILWAY) DEPARTMENT.

The plots required by the Principal, Mangalore College, have been marked on the ferro flagged V.

W.N.—4-12-08.

It appears from the plans that the land referred to is in the possession of the Company and that they have the same title to it as to any other portion of the land they occupy. It is most unlikely that they would relinquish plots which will most likely be required later on for their staff.

The arrangement proposed by the Agent seems a suitable one and might be accepted by the College authorities.

F. D. FOWLER—7-12-08.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

* Vide last part of paragraph 1 of Director of Public Instruction's letter.

The Collector may be asked for his authority for the statement * that the land belongs to Government.

C. A. SOUTER—9-12-08.

Yes.

H. D. TAYLOR—12-12-08.

The draft memorandum placed below is submitted for approval.

P.R.—14-12-08.

K. RANGASWAMI AIYANGAR—14-12-08.

Issue.

C. A. SOUTER—15-12-08.

[Memorandum No. 2317-4, dated 16th December 1908.]

From the Collector of South Canara, dated 31st December 1908, No. 15.

The Collector states that he expressed to the Principal of the Mangalore College that the land was Government land in the occupation of the Railway Company having regard to the views expressed by the Board in its Resolution, Mis. No. 2094, dated 10th July 1908, embodied in G.O., No. 2080, Revenue, dated 31st July 1908, as the land was originally Government land and was transferred to the Railway Company without any compensation.

Page 1 of G.O., No. 2080, Revenue, dated 31st July 1908.

† Madras Land Encroachment Act, 1905.

against unauthorized occupations of Railway A class lands, state that "land acquired

2. The Proceedings of the Board of Revenue quoted by the Collector, which have reference to the question of taking action under Act III of 1905 (Madras) †

No. 119, EDUCATIONAL, 2ND MARCH 1909.

"for a Railway under the Land Acquisition Act, is the property of Government, the "Railway Company being merely permitted to occupy it," and that encroachments on Railway A class lands can therefore be dealt with under Act III of 1905 (Madras).

3. Railway A class land is "land which the Railway Company receives for Board's Standing Order, No. 91, paragraph 6, "permanent occupation free of charge page 166 of Vol. I. "under its contract or other arrangement "with Government." Under this head is included all lands required for the permanent works of the Railway, including the formation of the line with its side-slopes, berms, ridges, etc., and for all stations, workshops, permanent storehouses, and the like, necessary for the line when opened, and which under the contract or other arrangement, is to be provided by Government free of cost to the Railway Company. "The occupation of this land by the "Company will be so far permanent that it will cease only when the contract is "terminated or surrendered and the whole lapses to Government"—vide Standing Orders of the Board of Revenue, No. 91, paragraph 6 on page 166 of the Board's Standing Orders, Volume I.

4. The two plots of land adjoining the Mangalore College which are required for a play-ground for that college appear to be A class lands. They are in the permanent occupation of the Railway and will revert to Government only when the contract with the Company is terminated or surrendered. The Agent, South Indian Railway Company, seems therefore to be within his rights in demanding a rent of Re. 1 per annum for the use of the plots of land by the college. But as it seems anomalous that Government should pay rent to the Railway Company for these plots of land, which are the property of Government and which the Government have provided for the Company free of charge, it is for consideration whether the Company may be asked to state whether they would give up the plots of ground, especially as they do not seem to be immediately required for Railway purposes.

T.K.—26-1-09.

K. RANGASWAMI AIYANGAR—26-1-09.

Will Director of Public Instruction say whether this would suit his requirements? If so, the Agent will be asked whether he consents.

A. BUTTERWORTH—30-1-09.

The Railway might consent to give up the land on condition that it will be returned when it is required by the Railway.

C. A. SOUTER—27-1-09.

To the Director of Public Instruction.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION.

It would certainly be better than nothing. The chief practical objection I see to a mere loan of the land is that to make it a good play-ground money will have to be spent on it which would be irrecoverable if the Railway took it back.

J. H. STONE—3-2-09.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Very little would probably be necessary and the Railway may never want the land back. Ask Agent if he will consent.

A. BUTTERWORTH—4-2-09.

A draft letter to the Agent, South Indian Railway, is submitted for approval. The letter may issue with the concurrence of the Public Works Department (Railway) Department.

T.K.—5-2-09.

K. RANGASWAMI AIYANGAR—5-2-09.

C. A. SOUTER—6-2-09.

A. BUTTERWORTH—8-2-09.

To the Public Works (Railway) Department.

PUBLIC WORKS (RAILWAY) DEPARTMENT.

Submitted that the draft letter to the Agent, South Indian Railway, may be accepted.

Accepted in Railway Department.

F. D. FOWLER—9-2-09.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Issue.

A. BUTTERWORTH—10-2-09.

[Letter No. 19-1, Educational, dated 10th February 1909.]

From the Agent, South Indian Railway, dated 13th February 1909, No. 1115-34-16.

It is for consideration whether the legal position of the Railway Company if they do not charge any rent for the land should be examined or whether the Agent's proposal to charge only a nominal rent may be accepted.

K. RANGASWAMI AIYANGAR—15-2-09.

As Mr. Priestley's mind will be easier if he pays an anna he may do so. He evidently thinks Government are trying to "get at" him.

C. A. SOUTER—15-2-09.

The Mangalore College wants the use of some Railway A class land as a play ground. The Agent, South Indian Railway, is willing to give it on condition (1) that a rent of Re. 1 per annum be paid by the College, (2) that no buildings be erected, (3) that the land be surrendered when required on three months' notice. The Agent was asked whether he would forego the rent as, the land being Government land, it seems anomalous to pay rent for the use of it by a Government institution.

Mention this. I presume "permanent buildings" are meant; not, e.g., a temporary cricket pavilion.

G. S. F[ORBES].

He, however, holds to the rent as he has an idea that by foregoing it he may forfeit his lien on the land.

The matter is not worth further correspondence. The arrangement approved by the Agent may be accepted?

Very well.

Draft please.

A. BUTTERWORTH—17-2-09.

G. S. F[ORBES]—18-2-09.

A. BUTTERWORTH—19-2-09.

A draft is submitted for approval. If approved, it may be sent to the Public Works Department (Railway) for acceptance.

T.K.—22-2-09.

K. RANGASWAMI AIYANGAR—22-2-09.

For approval.

C. A. SOUTER—23-2-09.

May not the draft be sent to Public Works Department (Railway) for acceptance?

K. RANGASWAMI AIYANGAR—25-2-09.

Yes.

C. A. SOUTER—25-2-09.

To the Public Works (Railway) Department.

PUBLIC WORKS (RAILWAY) DEPARTMENT.

Accepted in Railway.

F. D. FOWLER—27-2-09.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Issue.

A. BUTTERWORTH—2-3-09.

[G.O., No. 119, Educational, dated 2nd March 1909.]

READ AGAIN G.O., No.....dated.....190

" " " ".....".....190

READ ALSO:—

C. No. 2317	From the	D. P. I.	, No. 8688	, dated	26-10-	1908
19	Collector of South	Canara	15 D.	37-12-	1909	1908
295	Agent	S.I.R.	1115/34/16	13-2-		1908

ORDER.

P. S.

No. 119, dated 2-3-1909.

The D.P.I. requests that,

the two plots of land adjacent to the Government College, Mangalore, should be ~~again~~ obtained for the use which are required for a play ground of the college as a playground. This land for the college, appears to be land

in the permanent occupation of the
Railway, and ~~their~~ ^{its} transfer to the
College, ~~does not therefore seem~~ ^{cannot therefore be effected}

~~Feasible. There is however no objection to their being rented from the Railway Company on the conditions stipulated by the Company's Agent, viz.,~~

(1) that a rent of Re.1 per annum
is paid;

(2)

The Agent of the I. D. A. is prepared, however, to let the College use the land on the following conditions viz

98 8

2.

(2) that no buildings are erected thereon, and

(3) that the land is surrendered ^{by the Railway} when required on three months' notice.

2. The Govt accept this arrangement ^{on the presumption} ~~It is presumed~~ that the condi-

tion regarding the erection of buildings applies only to buildings of a permanent character and not to a temporary structure like a cricket pavilion.

7K.
22.2.09

20.
22.2.09

Chd
23.2.09

Alt
24/2

To

The D.P.I.

" P.W.D. (Railway). 3/3/9

ORDINARY.

PREFERENCE.

URGENT (a).

EDUCATIONAL
LEGISLATIVE DEPARTMENT.

Current No., dated 190 ..
G.O. No. 119, dated 2-3-1909.

Number of MS. pages sent { Correspondence including order or orders
(b)
(b¹) Notes.....

Docket... *Govt. College, Mangalore*
condition proposed by the agent 2.2.12 for the last
12.11.12 and in their possession till
the 12.11.12 and in their possession till
the 12.11.12 and in their possession till

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