

1910
Educational (~~190~~) Department.

ORDINARY MS.

G.O., No. 19

DATED 12 — 1 — 10

[Despatch Abstract.]

Land — Requesting the Collector of the Nilgiris
to proceed with the acquisition of the site
Selected for the Secondary School, Co. ta. cam.

BACK PAPERS.

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

FURTHER PAPERS.

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

[E. & L.]
68
2,400-5-09.

EDUCATIONAL DEPARTMENT.

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.
[2037] Collector, the Nilgiris	620	2-11-09	1-3.

Papers of the department to which the current belongs.

Number.	Date.	Original (=O.) or spare copy (=S. C.)	Remarks. (In this column such of the papers as have been removed for copying, printing, etc., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.

Papers of other departments.

Department.	Number.	Date.	Original (=O.) or spare copy (=S. C.)	Despatcher to note the return of the papers to the departments concerned.

Educational (190⁹) Department.

CURRENT No.

From

[Name] A. R. Cumming Esq., I.C.S.,[Designation] Ag. Collector of the Nilgiris,[Station] Ootacamund.No. Ref. on B.G. 620 of 1909.Dated 2nd November 190⁹

Enclosures _____

Received Link 190Registered 190

SUBJECT.

Lower Secondary School at Ootacamund.

Submitting further report regarding the ----- and
stating that for the reasons stated within the land need not
be acquired under the Act.

BACK PAPERS.

FURTHER PAPERS.

PR
4/11

2/3
To
The Secretary to Government,
Educational Department.

Madras.

Sir,

B With reference to para. 1 of G.O. No. 403 Edl. dated 8th July 1909 regarding the acquisition of a piece of land in Settlement No. C 319 of Ootacamund for the construction of the Secondary School, and in continuation of my letter Ref. on B.G. No. 620/09, ^{dated 24th Sept. 09,} I have the honour to state that a perusal of the papers relating to the transfer of the old subsidiary jail buildings to the District Board, the Nilgiris, seems to show that Government did not sell the land in question (C.319/1) to the District Board.

1880
F. 2. In his letter No. 13 dated 20th March 1880, the President of the District Board, Nilgiris, requested the Board of Revenue to transfer to the Local Fund Engineer the buildings then occupied by the D.P.W. offices at Ootacamund or, in the event of that request being negatived, to make over the old subsidiary jail buildings to the District Board free of charge. In submitting the application of the President to Government the Board of Revenue suggested that, in case the building occupied by the D.P.W. offices could not be made available for the use of the Local Fund Engineer, the sub-jail buildings might be made over to the District Board at a moderate valuation.

3. In their memorandum No. 1077 Financial dated 14th May 1880 Government referred the matter to the Chief Engineer D.P.W. and that officer's reply is contained in his letter

3
(2)
Page 1 of 2
Letter No. 75 dated 13th May 1880. The Chief Engineer objected to the transfer of the D.P.W. offices to the District Board but recommended that the subsidiary jail buildings might be transferred to the District Board free of charge or at a moderate valuation which he suggested might be fixed at Rs. 4,000, and in their order No. 1154, Financial, dated 10th June 1880 Government passed orders permitting the District Board to buy the subsidiary jail buildings for Rs. 4,000.

4. It seems fairly clear from the terms of the correspondence summarised above that the value of the land on which the sub jail buildings stood was not taken into consideration, and that Government never sold or intended to sell the land along with the buildings. If this view is accepted it follows that the acquisition of the piece of land required for the Secondary School is unnecessary, and that Government are not liable to pay any compensation to the District Board in respect thereof. I have the honour to solicit the instructions of Government in the matter.

5. In this connection I think it desirable to point out that the District Board has already disposed of two pieces of the land in question by sale, in one case to the Ootacamund Municipal Council and in the other to one Job Chinniah, and that these sales were sanctioned in G.Os. Nos. D 1823 L. Mis. dated 28th October 1901 and 691 L. Mis. dated C. 27th May 1907.

I have the honour to be,
Sir,
Your most obedient servant,

DESPATCHED
2 NOV 1909

Ag. Collector,
2.11.09

93
2-11-09

NOTES.

C.No. 2037 From the Collector of the Nilgiris, No.620, dated 2-11-1909.

S u b j e c t.

Acquisition of the site selected for the
Secondary School, Ootacamund.

B. In G.O. No. 403 Edl., dated 8th July 1909, the Government approved the proposal of the Collector of the Nilgiris to acquire a site, an acre in extent, in the occupation of the District Board of the Nilgiris, and lying between Bergheim and the municipal stores, just above the municipal market, Ootacamund, for constructing a building for the secondary school, Ootacamund, and requested the Collector to take very early steps towards its acquisition..

2. The Acting Collector of the Nilgiris (Mr. A.R. Cumming) reports that the land appears to belong to Government and that its acquisition is therefore unnecessary. The circumstances under which the land and the buildings thereon passed into the hands of the District Board are explained in paragraphs 2 to 4 of the Collector's letter. In G.O. No.1154 Finl., dated 10th June 1880 the Government stated that they were prepared "to accept proposals from the Local Fund Board (of Ootacamund) and the municipal commissioners to purchase for Rs.4,000 the subsidiary Jail Buildings." which the District Board desired to have for the purpose of providing office accommodation for its Engineer. The transfer of the buildings to the District Board

cf. para. 7 of the Collector's
letter on p 4 of G.O. 403 Edl. - B
8.7.09

Para. 4 of his letter on page 3 of C.F.

Pages 2 and 3 of C.F.

Board was subsequently ordered in G.O. No.2146

E. Finl., dated 19th November 1880. Since then, the building and site ^{have} remained in the occupation of the District Board.

Para. 4 of his letter on page 3 of C.F.

3. Mr. Cumming contends that from the terms of the correspondence of 1880 it is clear "that the value of the land on which the sub-jail buildings stood was not taken into consideration, and that Government never sold or intended to sell the land along with the buildings." He accordingly thinks that the acquisition of this land by Government is unnecessary, and that the Government are not liable to pay any compensation to the District Board in respect thereof.

4. The question whether the sub-jail buildings as well as the land on which they stood or only the buildings were sold to the District Board in 1880 ^{was} ~~has been~~ raised once before, in 1907, when the District Board requested the sanction of Government to the alienation of a portion of it to one C. Job. The Revenue Secretary (Mr. Cardew) then noted:-

"The papers of 1880 mention buildings only, "but it seems probable that the site was intended "also to pass. The Board paid Rs.4,000, and the "cost of converting the sub-jail buildings into "offices was estimated first at Rs.7,000 and "later at Rs.4,300. The transaction thus cost "the Board Rs.8,300. It would hardly have "spent this sum on a site the ownership of which
vested

Page 12 of G.O. 691.2
27.5.07 C

"vested in Government. The omission to mention
 "the site in 1880 was probably due to the assump-
 "tion that the site would go with the buildings.
 "I am inclined to think that no claim to the
 site should now be made on behalf of Government
 "and that it is not worth while to say anything
 "about ground rent, the extent involved being
 ".04 $\frac{1}{4}$ acres." The Hon'ble Mr. (now Sir G.)
 Stokes agreed with the above view and the
 alienation of the portion of the land applied for
 was sanctioned - Vide G.O. No. 691 L, dated 27th
 May 1907.

5. It is ~~therefore~~ for consideration
 whether the Collector may be informed that the
 now required for the Lower Secondary School
 land should be acquired under the Land Acqui-
 sition Act. The remarks of the Local and Muni-
 cipal Department and Revenue Department may
 perhaps be first obtained u.o.

PR
 17-11-09

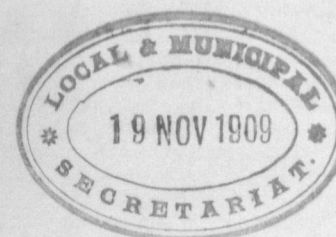
RD
 17-11-09

Chd
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Rev. } u.o.
 Rev. }

Office Phosphate
 19-11-09

7 DP
 18-11
 20.2037-1
 18-11-09



Received
 Secy on 29/11/09

Please strike out
 no. 11/09

L and M Deptt.

E

Q L. F. Board President's
Letter No 38 Dated 18.8.1880
contained in G. O. No 2146
19.11.1880 F. E.
that order.

* in BP No 1420
29-9-1880
p. 2 of G. O. No 2146 F. E.
19.11.1880

(1) H (1) D
(1) L (1) C.

The transfer of the Subsidiary Jail buildings to the Local Fund Board was sanctioned in G. O. No 2146 F. E. dated 19.11.1880 on condition that the Board paid the value of Rs 4,000 in four equal annual instalments commencing from 1882-83. In his letter No 39 dated 18.8.1880 disposed of in that order, the President of the Local Fund Board stated that the Board proposed to improve the jail buildings at a cost of Rs 750 and to construct additional buildings, viz. Cattle yard, store rooms, workshops etc at a cost of Rs 3,550. The proposed improvements to and enlargement of the buildings were approved by the Board of Revenue and the Govt. did not object to them. This shows that it was intended that the land also should be transferred to the Local Fund Board.

2. Further the Govt. have approved the alienation of portions of the land by the District Board on four previous occasions, thereby admitted the Board's title to the land. Vide G. O. Nos. 1144 L dated 17.5.1892, 18 L dated 9th Jan 1894, 1823 L dated 28th October 1901 and 691 L dated 27th May 1907. In the last of these orders, the

the question whether the buildings alone or the land also belonged to the District Board was discussed by the Revenue Department and it was then decided, ^{after circulation of the papers to the Hon. Secy.} in that Department, that the land ^{probably} also passed to the District Board along with the buildings and that no claim to the site should be made on behalf of Govt. It is submitted therefore that the Collector should be informed that the portion of the land required for the Secondary School should be acquired from the District Board under the Land Acquisition Act.

2MCA
15/12/09 Submitted that in view of what has taken place in the past, in regard to the land occupied by the old subsidiary jail buildings, the Govt. may set aside the Collector's present contention that the portion ^{that} of land now required for the proposed Secondary School belongs to Govt. The question for consideration is whether the land in question should be acquired under the Land Acquisition Act, as directed in para 1 of go no 403 Ld dated 28 July 1909, or whether it would be sufficient to obtain it on sale from the D. Bd.

B.

G^N

In para 1 of go no 80 M dated 18 Jan/09
it

it was held that a land originally acquired by a Muni Council, under the Land Revenue Act should, when wanted by a Local Board, be formally acquired under the Act in order to secure for the latter, a clear title to the land. This decision was based on the following note by the then Secretary (Mr Taylor):—

"So there will be a transfer of title from one local body to another, it would be best to apply the Land Revenue Act, so that the D. Bd may have a clear title to its land".

Subsequently however, in dealing with another case of transfer of land from a D. Bd to a Municipal Council, Mr Taylor considered that it was not necessary to apply the Act, and observed that there would be no doubt as to title and right to transfer vide p 12 of G.O. no 197 L dated 23rd Feb 1909.

Recently, in regard to 24 cents of land originally acquired by the Kolligal Taluk Board and subsequently wanted for the use of the girls school, it was decided in the notes in the G.O. no 1462 L dated 18 November 1909 that the land having been once acquired "it seems hardly necessary to go through the formalities of

para 3 of the note dated 7th Dec 1908 no p 3 of the notes with G.O. no 18.1.07

Although no information was available as to the title of the D.B. to the land in question

P

p 7 of G.O. 1462 L P 18.11.09

"of the chehalis"

In the case under consideration in the present file, the land originally belonged to J. & W. and was then ^{sold} ~~made over~~ to the D.S. and it is now proposed to obtain a portion of it back from the D.S. I should therefore seem to be hardly necessary to that J. & W. should formally acquire the land under the L. & W. Act. (The file has to be passed on to Rev Dept for further consideration.)

Ed.

17.12.09

Rev. Dept. a.o.

It seems clear that the land as well as the buildings passed to the J. & W. in 1880.

As regards applying the L. & W. Acquisition Act there appears to have been some difference of procedure in the past. Personally I think the Act ought to be applied as in all cases of acquiring lands from private individuals or bodies. Although the J. & W. is under the control of J. & W. it is not a J. & W. Department & is quasi-independent. At the same time there is of course practically no risk of the J. & W. title being questioned in future even if the Act is not applied.

WED
19.12.09

L. & W. 3658-11
20-12-1909.

SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT
11 DEC 25 1909

2531 D

Regd 22-12-09

vide p 3 supra-

Dep
20.12.09

To Mr. Lee?

Y.
5.11.07

It is submitted that the St. Board's title to the land has already been admitted in this Dept. — please see the Lee's note dated 21.5.07 and Sir Gabriel Stokes' note dated 22.5.07 at page 12 of L.P. No. 691 L, dated 27.5.07. As the local ~~body~~ do not dispute the local body's title to the land, there seems to be no objection to securing the land under the Land Acquisition Act — please see paragraphs 1 and 2 of B.S.O. No. 90. The objection to this procedure appears to be that it is unnecessary to go through the formalities of the Act — please see Mr. Wynne's note ^{dated 10.11.09} at page 7 of L.P. No. 1462 L, dated 18.11.09. The only other way by which the sale of the land can be effected is the execution ~~of a sale deed~~ by the St. Board of a sale deed; and it is by no means certain that the execution of a sale deed is easier than the application of the formalities of the Act. It is submitted that it seems better to apply the Act to the present case.

Prithwanray.

29.12.09.

30.12.09

O.152 B.S.O. No. I

13

To Secretary.

The application of the Land Acquisition Act seems a matter for L & M rather than for Revenue. Revenue may, I submit, agree that it is better that it should be applied. The formalities are not so very great after all and no possible dispute as to title can arise.



F.N.

5-1-10.

W. P. G. 10

Edw. W.

Self 6-1-10

Rev. 26-2.2531 D/8-1 (Educational)
7-1-10

Educational Department

P.D.
8-1-10

The draft order placed below is submitted for approval.

PP
10-1-10
10-1-10

Pee
Ces
10/1

✓ Sec.

W. P. G.
11-1-10

READ AGAIN G.O., No. 408 Edl, dated 8th July 1909.

READ ALSO:—

C. No. 2037, From the Collector of the Nilgiris, No. 620, dated 2nd November 1909.

" " ? " " ; " ; " 190

" " " " " " " " 190

ORDER.

No. 19, dated 12-1-190

The Collector of the Nilgiris will be informed that although the Correspondence of 1880 makes mention only of the buildings yet the Government ~~are~~ ~~had~~ ~~to~~ believe that it was intended that the land also should be sold to the District Board with the buildings. They accordingly consider that no claim to the site ^{Shoach} ~~was~~ now be made on behalf of Government.

2. The Collector will be requested to proceed with the acquisition of the site under Act no. I of 1894, without further delay.

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The Collector of the Nilgiris
" Rev. Secy
" " Secy

PP
10. 1. 10

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Ches
10/1

Lunt.
11/1/00

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1571/10

When given for copying
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When examined
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190

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

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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