

Educational (1913) Department.

ORDINARY MS.

G.O., No. 439

DATED 13-5-1913.

[Despatch Abstract.]

Land Requesting the Collector of Chittoor to take steps to acquire the — requires to share school at Mondavada & requesting the Director of Public Instruction to arrange for payment of a small grant towards the cost of acquisition of the site.

410 Rev
1912
+ Land Acq. Act

EDUCATIONAL
~~LOCAL AND MUNICIPAL~~ DEPARTMENT.

R.F.D.-804.

CURRENT No. 535

Received



191

Registered

20/2/1913

Subject.

Requesting that Government will be pleased to inform the Collector whether in the circumstances referred to in the letter the land can be acquired under the Land Acquisition Act.

ENCLOSURES.

No.

28

Spate copies

Reference on Current No. 218 General of 1913.

Station Chittoor, Dated the 15th February 1913.

From (Name) A.Y.G. Campbell Esquire C.I.E., I.C.S.

(Designation) Acting Collector of Chittoor

To the Secretary to the Government of Madras,
Educational ~~Local and Municipal~~ Department.

Sir,

The Inspector of Schools, V Circle, forwarded to the Revenue Divisional Officer, Chandragiri, with his recommendation an application for the acquisition of a site for a village school at Thondavada; the owner has promised the site free of charge. In his endorsement the Acting Sub-Assistant Inspector of Schools refers to the notification Number 70 printed at page 351, Part I B of the Fort Saint George Gazette dated the 28th May 1912. The formal acquisition of the land under the Land Acquisition Act was proposed by the Educational authorities so as to confer on the manager

Abstract of the
Grant-in-aid
No. 410 of 12-1-1912 (D)

SK 1912

an infeasible title to the land. As under the Proviso to Section 6 (1) of the India Act I of 1894 no declaration can be made that a land is required for a public purpose unless the compensation to be awarded 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 I felt doubtful whether the provisions of the Land Acquisition Act can be applied unless at least the nominal value of one anna is paid by Government or a local board and I accordingly requested the Inspector to sanction the grant of one anna for the purpose. This is within his powers under the notification referred to above but the Inspector declines to sanction the grant and asks me to arrange with the manager of the school for the payment. I have the honour to request that Government will be pleased to inform me whether in these circumstances the land can be acquired under the Land Acquisition Act.

I have the honour to be,

Sir,

Your most obedient servant,

C. Jinnakata chari
For Acting Collector.

Copied by N.S.R. 18-2

Compared by *17.2-13*
17.2

NOTE FILE.

C. No. 535 From the Collector of Chittoor No 218, dated 15-2-1913.

SUBJECT.

Acquisition of a site for a village school
under the Land Acquisition Act.Proviso to section 6(1)
of the Act (copy sent)

G.O. 4108/13-6-12(D)

As the Collector points out the land cannot be acquired under the Land Acquisition Act unless at least a portion of the cost is paid by Government. Under the Article 60 A of the Grant-in-aid code "grants may be promised towards the erection or enlargement of village school houses and the school which has received aid under this article shall remain the property of the village and will be in immediate charge of the village municipality." In the present case the Collector says that the owner is willing to give the site free of charge but that the ~~managers~~ educational authorities propose to acquire the land under the Land Acquisition Act and to confer on the managers an indefeasible title to the land. Apparently the school is ~~not~~ an aided school under the ~~control~~ of the ownership of the managers and not to be the property of the village as is contemplated by the article in the Grant-in-aid code quoted above. This is perhaps the reason why the Inspector declined to sanction a grant towards the cost of the acquisition. If the school is

But it can still be aided
under Chap. VIII - relating
to Building Grant rules.
A
6.8.13

is not to be the property of the village the
school cannot be aided under chapter
IXA of the Grant-in-aid Code and of the
land should still be acquired, a ~~portion~~
special grant should be sanctioned
so that a portion of the cost may be
borne from public revenues. The D.P.F.
may perhaps be consulted as to whether
he considers that the land should be
acquired under the Act.

SK A
31.13 6.8.13

~~I think it is not a public purpose
to acquire land for a school
like this, but it can be done if~~

I am not quite clear that a village school
is not a "public purpose" within the
meaning of the Land Acquisition Act
1884, but probably the Collector is right
in requiring a nominal contribution from
public funds to legitimize proceedings
under the Act. But is it so necessary
to secure an indefeasible title to
a site which will presumably remain
under village control - not that of a
Govt. dept. L.D.
7.8.13

Eol. no. 535-1
7.8.13

Recd. 10.3.13 8/2/13

D.P.F. no.

Ud. No. 111 d/ 28.7.13

The Director declined to give an amendment partly because he ~~thought that~~ doubted whether a school under private management was for a public purpose and partly because he was unable to see the necessity for proceeding under the Land Acquisition Act.

I am inclined to agree with him that this petitionary procedure is unnecessary and that it ought to be possible to draw up a deed of transfer of such a nature as to secure the land to the village.

I think, however, that a school is for a public purpose whatever management it may be under, and that if it is decided to go on with the land acquisition proceedings the formal grant may be given and an informing the Director.

J. S. IV. 13

SK
30/7/14

Educational Department

The main object in putting the Land Acquisition Act into force in the acquisition of the site for the school is to confer on the manager an indefeasible title to the land. As pointed out by the Director in his ^{above}

above this object can be achieved by means of some deed of transfer executed by the owner of the land.

~~But~~ It is therefore for consideration whether the Collector may not be informed that it is not necessary to put the Land Acquisition Act into force for the acquisition of the site.

^{SK}_{1.5.13} At the aid of the Land Acquisition Act is invoked, ~~how~~ it may be probable that there is some difficulty in securing an indefeasible title to the land. The ~~proper~~ Director agrees that the acquisition will be for a public purpose. In the circumstances, it is submitted that the Director may be asked to arrange for a small grant to enable the acquisition ~~and~~ the Collector being asked to proceed with the acquisition.

^{CR}_{10/5/13}

Yes.

D.
7.5.13

A draft order is submitted for approval

^{SK}_{9.5.13} ^{CR}_{10/5/13}

CR

13.5.13

C.No.535, From the Collector of Chittoor, R.O.C.No.218, dated 16-2-13.

ORDER :- No 438 Collier 8-13-5/3
Mis.

The Collector will be requested to take steps to acquire the land required for the village school at Thondavada. The Director of Public Instruction will be requested to arrange for the payment of a small grant towards the cost of acquisition of the site.

sk 2.5/3
A
11.5/3

13.5/3

To the Collector of Chittoor. (SA)
,, the Director of Public Instruction. (dls)

leg
15/5

2nd
17.5/3

2nd
19/5/13

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

>191

READ AGAIN G.O. No.
 191

, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DETO.

PAPERS FOR FIELD OF. BRING MEANT FOR OBSERVATION
 IN ORIGINAL.

V.S.—

A = Copy in full
 B = Not to be copied.
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