

Edl (1915) Department.

This SERIES.

G.O. No. *1389-Edl*

DATED *10-12-15*

Acqn of land [Despatch Abstract.]

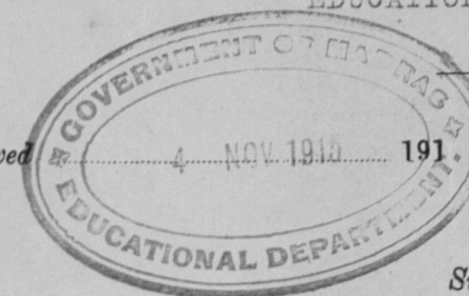
Approving the _____ and the huts adjoining the site of the hostel proposed to be constructed in connection with Mrs. A. V. N. College, Viragapalam under the Land Acqn Act 1894 & requesting the collector of Viragapalam to submit a draft notification under Section 6 of the Act.

CN. 3806 Ed v

C.F.—29.

EDUCATIONAL DEPARTMENT.

Received



Registered 4 11 1915.

Subject.

Recommending for the approval of Government for the acquisition, under the Land Acquisition Act, of certain sites and huts for Mrs. A. V. N. College, Vizagapatam.

ENCLOSURES.

No.

Spare copies

R. C. No. 9513/13.

Station M A D R A S, Dated the 3rd November 1915

From (Name) The Hon'ble Mr. J. H. Stone, M.A., F.R.H.S.,
C.I.E.,

(Designation) Director of Public Instruction,
Madras.

To The Secretary to the Government of Madras,
Educational Department.

Sir,

In G. O. No. 1142 Educational, dated 5th October 1914 a grant of Rs. 54,500/- has been sanctioned towards the cost of constructing a hostel and outhouses in connection with the Mrs. A. V. N. College, Vizagapatam. The authorities of the College state that there are several huts on the ground on which the hostel is proposed to be constructed and request that these huts and the lands adjoining the college premises may be acquired under the Land Acquisition Act. The necessity for the acquisition of the land referred to is explained in the Principal's letter R. C. No.

228 of 13 dated 20th September 1915 (copy enclosed). No additional

p. 3 infra
PP

additional grant is asked for towards the cost of the proposed acquisition. The Collector of the District considers that private purchase of the huts and lands in question is not desirable and recommends the application of the Act, vide his letters R. C. No. 412 of 15 dated 3rd August 1915 and 30th September 1915 (copies enclosed). In these circumstances, I have the honour to request that you will be good enough to obtain the approval of Government for the proposed acquisition under the Land Acquisition Act.

2. Sketch plans showing the huts and lands proposed to be acquired are submitted.

I have the honour to be,

Sir,

Your most obedient servant,

For Director of Public Instruction.

Mc
2.11.15

k.v.

b4 infra

b/p 7+8 infra

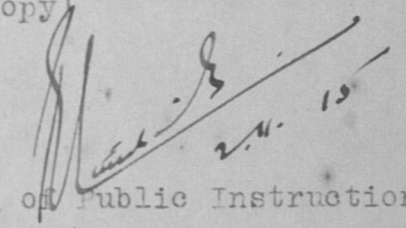
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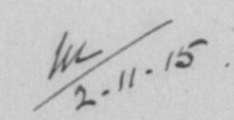
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Letter R. C. No. 228 of 13 dated 20th September 1915, from the Principal, Mrs. A. V. N. College, Vizagapatam, to the Director of Public Instruction, Madras.

In reply to Proceedings R. C. No. 9513 of '13 dated 15th instant, I have the honour to state that the site on which the hostel is proposed to be built belongs to the Management. But when I discussed with the Collector of the District the question of acquiring the huts on this land, he told me that when these huts were acquired, it would be advisable to acquire also the huts and lands adjoining, first because the proximity of dirty pariah huts to the hostel was not desirable, and secondly the acquisition of the neighbouring land would enable me to provide an ample play-ground. In accordance with that suggestion I have applied for the acquisition of the huts and lands, a sketch of which I have sent to the Collector who has forwarded it to you. Under the orders of the Collector, the Revenue Inspector of the Division has surveyed the lands (without the huts) proposed to be acquired and I herewith send you a copy of his plan.

(True copy)


For Director of Public Instruction.


2. 11. 15

k.v.

Letter R. C. No. 412 of 15 dated 3rd August 1915, Educational Department,
Collector of Vizagapatam, to the Director of Public Instruction,
Madras.

With reference to your letter R. C. No. 9513 of 1913 dated 13th February 1915, I have the honour to state that private acquisitions of lands are always unsatisfactory. The land in question should be acquired under the Land Acquisition Act even though the cost of acquisition may not have been included in the grant sanctioned by Government in their order No. 1142 Educational dated 5th October 1914. The acquisition of land is the first and foremost step in the construction of the hostel. Government did not specify that the grant referred to should be spent on any particular item of the estimate for the construction of the hostel, approved by the Chief Engineer. As they have sanctioned more than half the cost of the construction of the hostel, the compensation to be paid for the land required for it may be said to be paid "partly out of public revenue" even though the cost of the acquisition was not one of the items of the estimate.

2. I therefore request that you will be so good as to obtain the approval of Government for acquiring the land in question under the Land Acquisition Act.

(True copy)

k.v.

Mc
2.11.15

For Director of Public Instruction.

Letter R. C. No. 412 of 15 dated 30th September 1915
the Collector of Vizagapatam, to the Director of
Instruction, Madras.

With reference to your letter R. C. No. 412 of
dated 3rd August 1915, I have the honour to state that
attempts have been made to acquire the houses and house
sites in question by private negotiation. The owners
of the houses have consented to part with them provided
that the following conditions were fulfilled:-

(1) That proper roads should be laid out in the
proposed to be bought and given to them for building
houses by the College authorities.

(2) That steps should be taken for the proper lighting
of the place.

(3) That they should be supplied with water tanks.
Municipal Council when addressed in the matter stated
they could not make any promises with regard to the fulfilment
of the above conditions. As it is not possible to make
out any promise to the house owners that their conditions
will be fulfilled in the near future, there is every likelihood
of their withdrawing their consent to part with the
houses. For the above reasons, I have stated that private
arrangements of this nature are unsatisfactory. I request
that you will be so good as to obtain the approval of Government
for the formal acquisition of the land in question,
already requested by me.

2. I have called upon the Divisional Officer, Vizagapatam,
to submit a draft notification etc., for the acquisition
of the land and requested him to see that satisfactory
arrangements are made for the accommodation of the evicted
people in consultation with the Municipality.

(True copy)

Director of Public Instruction

OFFICE NOTE.

Educational Dept.

SUBJECT. Acquisition of certain huts adjoining the hostel of Mrs. A. V. N. College, Vizagapatnam.

From the S.O. , Rec. no 95/13 D 3. 11. 15

Register No. 3806.

- (C) Please see G.O. 599 S.O. 27. 6. 13 for the general principles governing the application of the Land Acquisition Act on behalf of aided schools.
- (A) 2. In G.O. 1142 S.O. 5. 10. 14 the Govt. sanctioned a grant of Rs 54,500 towards the cost of constructing a hostel and outhouses in connection with Mrs. A. V. N. College, Vizagapatnam. The grant then sanctioned did not include any amount for compensation for the huts which it is now proposed to acquire; nor do the authorities of the college now apply for a grant for the purpose. This would seem to be opposed to one of the conditions which have been held to justify the application of the Land Acquisition Act in such cases, namely, that a substantial contribution from Provincial funds should be sanctioned towards the cost of the land proposed to be acquired. The Collector of Vizagapatnam in his letter

para. 1 of G.O. 599 S.O. 27. 6. 13 (C)

p. 59 of letter Re. no. 412/15 d. 3-8-15 explains that the compensation to be paid for the land may be said to be paid "partly out of public revenues" even though the cost of acquisition was not one of the items of the estimate. It is for consideration whether the Collector's view may be accepted.

2. The reasons given in the Principal's letter on (and in the Collector's letter on p. 4 of C.F.) p. 3 of C.F. appear to justify the acquisition of the property under the Act.

3. Subject to orders a draft order is submitted for approval. If approved, it may be forwarded to the Revenue Dept. W.O. for acceptance.

17.11.15
JH
G.H. 15

Will Revenue accept the case for acquisition?

Does Land M. consider the instruction to the District Officer to see to the accommodation of the evicted persons sufficient?

Revenue

Land M. u. o.

Cp. Sec. 6(1) of the Land Acq. Act, I of 1894.

For a precedent, please see GO No 818 Est. (H) 29.7.15

Edms 3806-1
25/11/15
H/C
20/11

SECRETARY TO GOVERNMENT
22 NOV. 1915
REVENUE DEPARTMENT

REV. 88-C
2906

Recd. 22.11.15
R/S 23.11.15

Revenue dpt

To Under Secy

According to the proviso to Section 6(1) of the Land Acquisition Act, 1894, no declaration shall be made unless the compensation to be awarded is to be paid by a company or wholly or partly out of public revenues or some local funds. The cost of acquiring the land in question was not included in the original estimate for the hostel, for the construction of which the Govt have sanctioned a grant of Rs. 54,500/-

A Vide G.O. No 1142 Educational & 5.10.14
75 cf. In his letter No 412 of 3.8.15, the Collector of Vizagapatam explains that the compensation to be paid may be said to be paid partly out of public revenues.

Submitted that this view may be concurred in & the draft accepted in this dept.
Rev. may accept, I think

27.11.15
29.11.15

Yes, regarding the grant as a contribution towards the aid of a project which involves this acquisition.

L.M.

20.11.15

L.M. Dept.

W.O.

When are the instructions?



CN 69571
3.12.15

Secy

The instruction to the Revenue Divisional officer referred to by the Secretary Educational is, it is submitted, that at A on p 4 of Current file.

The rule that accommodation for the evicted people should first be provided before any existing houses are acquired and demolished is observed only so far as the schemes for removal of congestion are concerned. The acquisition in question is not one of this sort; however, there seems to be no objection ^{in the present case} if, as stated by the Collector, some satisfactory arrangements are made for the accommodation of the evicted people in consultation with the municipal Council. The Council may not be averse to find a fit place ^{especially} for the residence of these people as several schemes for relief of congestion in the municipality are at present under their consideration. Submitted that no further instructions in the matter seem unnecessary. The file ^{it is submitted} may be returned to Educational Dept. with these remarks.

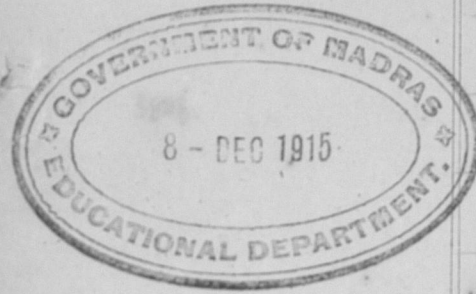
para 2 on page 4 of

cf. go. 1036m 12.7.15

Trans 698717 6.12.15

Depy 4/12/15

3/12/15. 86 Educational (100) I consider instructions sufficient. The only question which occurs to me is whether any instructions at all are called for. This department



PR

Noted in CR

8/12/15

has laid down the scheme for the removal of con-
-gruities should be accompanied by arrangements for
the persons entitled thereby, but no such obligation
has been, as far as I know, laid down in
regard to isolated cases of acquisition for special
purposes, and I suggest that the assumption of such
a general obligation would tend to delay acquisition
proceedings even more than they are delayed now
to be no objection if, as the
Collector, some satisfactory
arrangements are made.

Both Revenue and Ltm departments accept
the proposal. The draft order submitted is for
approval.

PR
8.12.15

8.12.15

8.12.15

” ” ” ” ” 191

C. No. 3506, From the 279, No. 9573/13, dated 3. 11. 1915

191

" " ; " " ; " ; " 191

No. 138925, dated 10-12- 1915.

Mr. ~~RS~~

2. The Govt. Consider that the huts and the lands adjoining the side of the hostel proposed to be constructed in connection with the Mrs. A. V. N. College, Vizagapatam, and specified in the sketches forwarded by the S.P.G should be acquired under the Land Acquisition Act, 1894. The Collector of Vizagapatam will be requested to submit a draft notification for publication under section 6 of the Act.

Notes
as
11/12/15
1st Remittance
as
10/2/16
2nd Remittance
to seller
as
13/3/16

To. The 2nd (270)
 .. Colln. of Vozay with sketches
 .. H. G. (270)
 .. Reincense sept (270)

PA
17-11-19

85.12.15

703

2 11 2 12/13

276

24

but at last returned to the
and the land of the
the hotel prepared to be constructed
in connection with the N.V.N.
College, Vagapetan, and after
- filed in the sketch for
the N.V.N. shows in copies
under the same description for
1894. The sketch of Vagapetan
is in connection to the
draft of the sketch for
under section 6 of the

When given for copying
When copied
When examined
When signed

191

When 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 BITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL

N.E.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.