

951 (1915) Department.

*This* SERIES.

G.O. No. 1402951

DATED 13-12-15

[Despatch Abstract.]

Winding off - sanctioning the —  
of a sum Rs 414-8-3 due from the former  
proprietor of the Capper House out  
of the advance paid to them for  
the repairs of the premises.

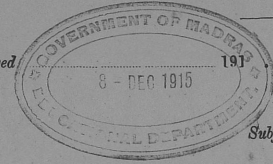
CN<sup>o</sup> 4318 209

C.F.—29.

EDUCATIONAL

DEPARTMENT.

Received



1915

Registered

8/12/

1915.

Subject.

Requesting that, in the circumstances stated, the balance of advance due to Government from the Proprietors of the Capper House may be written off the account and that the Accountant-General may also be informed accordingly.

ENCLOSURES.

|                   |
|-------------------|
| No.....           |
| .....             |
| Spare copies..... |

R. C. No. 8814/1914

Station Madras, Dated the 6<sup>th</sup> December 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,

With reference to G. O. No. 715 Mis., Educational, dated 1st July 1915, I have the honour to state that although the rent due to the former Proprietors of the Capper House for the twenty-three days in March 1915 was appropriated towards the balance of advance due from them no legal steps have been taken by them. As for the recovery of Rs. 414-8-3 still due, the Government Solicitor does not now consider that a suit against them will be successful (vide copy of his letter No. 1353 dated 13th November 1915 in reply to mine R. C. No. 8814/1914 dated 4th November 1915, copy enclosed); I have the honour accordingly to request that Government will be pleased to write off the amount as irrecoverable and to supply

Copy to G.F.

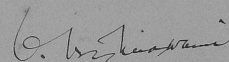
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2. ✓ 3  
the Accountant-General with a copy of their order on the  
subject.

I have the honour to be,

Sir,

Your most obedient Servant,



for Director of Public Instruction.

Y. V.

3 3 4

Letter R. C. No.8814/1914 dated 4th November 1915  
from the Director of Public Instruction, Madras, to the Government  
Solicitor, Madras.

16294-71388  
14.15 (E)

" With reference to the correspondence ending with your  
letter No.574 dated 3rd May 1915, I have the honour to state that  
the rent due to the Proprietors of the Capper House for the first  
twenty three days in March was appropriated towards the balance  
of advance and that no suit has been instituted by them for the  
recovery of the rent. As a sum of Rs.414-8-3 is still due from  
them out of the advance, I have the honour to request that you  
will be so good as to let me know whether you consider that  
Government should sue them for the unpaid balance. I may add that  
the Collector of Madras failed to give either the occupier ( the  
Principal of the Women's College) or the Director as the officer  
interested in the acquisition of the property the notice due  
under section 9 (3) of the Land Acquisition Act. It would thus  
appear that the award was irregular and Government have a hold on  
the portion of the advance still unpaid by the owners of the  
property."

/ TRUE COPY/.

*C. V. Srinivasan*

for Director of Public Instruction.

Y. V.

40

Letter No.1353 dated 13th November 1915 from the  
Government Solicitor, Madras.

4 4 5

rep's mpra

"I have the honour to acknowledge the receipt of your letter No.8814 of 1914 dated the 4th instant and as the result of a further consideration of the case am of opinion that as the Secretary of State as tenant cannot be entitled to claim payment of compensation from himself on the acquisition of the Capper House hotel his proper remedy was to have represented to the Land Acquisition Officer that the arrangement should be taken into consideration in assessing the market value of the building and that the compensation should be reduced accordingly. That this was not done, whatever the reason may have been, cannot be charged against the landlord and as he gave no undertaking to repay any part of the advance for repairs otherwise than by agreeing to its being deducted from rent to become payable I do not think that a suit for recovery of the balance not deducted would be successful.

2. "I do not think it is open to the Secretary of State to challenge the validity of the award on the ground that he as occupier did not receive notice from the Collector of his own acquisition proceedings if for no other reason because the Secretary of State as occupier would have no claim against himself as the acquiring party.

3. "I would draw your attention to the fact that the arrangement for a 15 months tenancy was void under Section 107 of the Transfer of Property Act which requires a lease of immoveable property from year to year or for any term exceeding one year or reserving a yearly rent to be made by a registered instrument."

/TRUE COPY/.

*G. B. S. S. S. S.*

for Director of Public Instruction.

READ ALSO:—

ORDER.

No. 140255, dated 13-12-1915

Miss

Sanction is accorded to the writing-off  
of a sum of Rs 414-8-3 due from the  
former proprietors of the Coffee House  
out of the advance paid to them for the  
repairs of the premises in accordance with  
G.O. No 740 E.O. dt 23. 6. 14.

10-12-15

10/11/12

note

Under rule 17-c of the Interdepartmental

Reference rules this department is competent  
to issue orders without reference to him

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10-12-15

To, the ~~sup~~ (200)  
" A.G. (ato)

RD

8  
14215

10/10/1914

When given for copying

When copied

When examined

When signed

191 .

READ AGAIN G.O. No.  
191a .

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH EITTO

PAYERS NOT FILED UP, BEING MEANT FOR DISPATCH  
IN ORIGINAL

N.B.—

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