

Home (Education) (1916) Department.

Ordinary SERIES.

G.O. No. 1250.

DATED 25 11-16

INDEXED

[Despatch Abstract.]

Acquisition of land.

Informing Messrs. King and Partridge, Solicitors, that the Government see no reason to reconsider the orders issued in G.O.No.811 Educational, dated the 24th July 1916 declaring that the land required by the authorities of the Sacred Heart Girls' School, Tellicherry, should be acquired under the Land Acquisition Act.

PAPERS PUT UP WITH CURRENT No. 3588

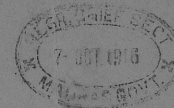
Papers of the department to which the current belongs.

Number.	Date.	Original (= O.) or spare copy (= S.O.)	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.
811	24 Aug 1916	SC		

Papers of other departments.

Department.	Number	Date.	Original (= O.) or spare copy (= S.O.)	Initials with date of (1) Referencer acknowledging returns of the paper concerned or (2) Despatcher to denote the return of the papers to the department concerned.

KING & PARTRIDGE
Solicitors and Notaries
PARTNERS
PERCIVAL WALTER PARTRIDGE
HORACE A. DU CANE HIGNETT
WILFRID HAZELL BELL
Telegraphic Address: "REGAL"
A.B.C. Code: 4th and 5th Editions
Telephone No. 16
P. O. BOX NO. 121



6th October 1916.

From

Messrs. King & Partridge,

Solicitors,

Madras.

To

The Chief Secretary to the Government of Madras,

Stone House Hill,

Ootacamund.

Sir,

We have the honour to inform you that our client Chowakaren -
Keloth Beekutty Umma of Tellicherry has placed in our hands - -
instructions with regard to the proposed compulsory acquisition by -
Government of a garden bearing Survey No.4/6 of Vadikkakam Deshom -
in Tellicherry Amshom together with the bungalow erected thereon and
belonging to our client's tarwad and now in the possession of our -
client by virtue of her stridhanam right.

2 We are instructed that the Collector of Malabar acting under
the powers conferred by the Land Acquisition Act has inspected the
property and our client understands, although she has not yet - -
received a notice of acquisition, that her property is to be - - -
acquired for the purposes of the Sacred Heart's Girls School at - -
Tellicherry.

3 The property is of considerable value to our client, and she
does

not wish to part with the same under any circumstances whatsoever. She accordingly prepared and submitted a petition to the Collector of Malabar setting out the facts, a copy of which we beg to - - enclose herewith and marked with the letter "A", together with a copy of the Order of the Collector dated 26th September 1916 - - (marked with the letter "B") addressed to M.R.Ry.K.P.K.Kartha Avl., of Calicut, the vakil instructed by our client in connection with this matter.

4 From this reply it will be noted that our client's petition has been rejected, and we accordingly submit a request to you on behalf of our client that the question of the acquisition of her property may be further enquired into by His Excellency the - - Governor, with a view to cancelling the proposed acquisition of - - our client's property.

5 We further request that in the meantime the Collector of - - Malabar may be directed to stay further proceedings.

6 We humbly submit that there is a plot of land suitable for the purposes for which we understand our client's property - - is sought to be acquired, situate on the other side of the road - - lying to the south of the property now belonging to the Sacred - - Heart Mission, and which is now vacant, and which could be - - - acquired.

7 We further beg to submit that the purposes for which our - - client's property is now sought to be acquired do not come within the definition of a "public purpose" within the meaning of the - - provisions of the Land Acquisition Act.

We

8 We have the honour to request that we may be advised as to -
what further steps will be taken in connection herewith as soon as -
possible, and we shall of course be pleased to submit to you on - -
behalf of our client any further particulars and details that may be
required.

We have the honour to be,

Sir,

Your obedient servants,

King & Partridge

Ref. agent:

To,

The Collector of Malabar,
Calicut.

The humble petition of Chowkaran Kelothe Beekutty Umma of
Tellicherry Amshom, Deshom, Kottayam Taluk

Respectfully Showeth:-

1. That the garden survey No.4/6 of Vadikkakam Deshom in Tellicherry Amshom belongs to the tarwad of the Petitioner in jenm and is now in the possession of the petitioner on stridhanam right derived from the tarwad.
2. That the bungalow in the said garden was built by the petitioner at considerable cost and belongs to the petitioner exclusively.
3. That the said bungalow was rented over by the petitioner on a monthly rent of Rs60/- to be used as the Office of the Superintendent of Police when that office was in Tellicherry.
4. That the house in which the petitioner now lives is very old one and in a dilapidated condition and requires to be rebuilt soon.
5. That when the Office of the Superintendent of Police was removed to Cannanore and the said bungalow was vacated, the petitioner wanted to live in the said bungalow as preparatory to the demolition of the house in which the petitioner now lives, but as the petitioner's husband suddenly fell ill she could not then occupy the bungalow.
6. That the petitioner had the misfortune to lose her husband and as it was improper for her to occupy the house for some time she allowed the bungalow to remain vacant.
7. That when the said bungalow was lying vacant Mr.A.F. Lemerle, one of the leading Vakils in Tellicherry, requested the petitioner to let the said bungalow to the Reverend Mother Sacred Heart's Convent, Tellicherry, strictly as a temporary measure on a monthly rent of Rs45/-.
8. That though the petitioner had considerable reluctance to let the bungalow as she wanted to occupy it, on the repeated request of Mr. Lemerle the petitioner let the bungalow to the Rev. Mother on a monthly

17 ✓ 5
monthly rent of Rs45/-.

9. That the petitioner understands that there is at present -
a proposal to acquire the site and the bungalow for the use of the
Convent.

10. That the petitioner begs to bring to Your Honor's kind - -
notice that if the property is acquired she would be seriously - -
inconvenienced.

11. That the site is one of the beautiful sites in Tellicherry
and the petitioner wants to occupy the building thereon.

12. That all the other gardens and buildings belonging to - -
petitioner's tarwad are in the actual possession of tenants and it
will be almost impossible to get any of them for petitioner's occu-
pation even if the karnavan of the tarwad with whom the petitioner
is not on terms, is willing to let them to her.

13. That the said bungalow and the site is not indispensable
for the use of the Convent.

14. That the petitioner therefore prays that the garden and - -
the bungalow may not be acquired, and if any orders have been given
for their acquisition, they may be cancelled.

For which act of kindness, the petitioner shall as in duty -
bound ever pray.

C. K. Beekutty Umma.

Office of the Collector of Malabar,
Calicut, dated 26th September 1916.

From,

F. B. Evans Esq., I. C. S.,
Collector of Malabar.

To,

M.R.Ry., K. P. K. Kartha Avl., B.A., B.L.,
High Court Vakil, Calicut.

Sir,

With reference to your application dated 14-9-16 for the - -
grant of copies of the petition dated 29-8-16 objecting to the - -
acquisition of land belonging to your client Chowakaran Keloth - -
Beekutti Umma for a play ground for the Sacred Heart Girls' School,
Tellicherry, and the orders passed thereon, I have the honour to -
inform you that I disposed of the matter in person, when I inspected
the place with your client's relations and definitely told them - -
that the petition must be rejected.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/

for Collector.

[illegible]

உரிசுமார் 1862.



உதவிப்பண்ணியுள்ளவர்களுக்கு
2.10.1916.

29-01-2020



5-

8

[C. 3588]

Home (Est) Dept.

O.M. 3588-1 Est 13-10-16

Referred to the collector of Malabar for very early report.

12.10.16

SM
11.10.16

11.10.16

To

feed + people
with milk
mms
13.10.16

The collector of Malabar
with current ^(om) in original to
be returned with reply

2.10.1916



Received

26-OCT-1916

Registered

26.10

1916

Subject.

Reporting on the petition of Messrs King & Partridge on behalf of Chowkaran Keloth Bikutti Umma of Tellicherry regarding the acquisition of a piece of land.

ENCLOSURES.

No.

Spare copies

Rec No. 864/Bx 916.

Station Camp. Kollengode. Dated the 22nd October 1916.

From (Name) F. B. Evans Esq., I.C.S.,

(Designation) Collector of Malabar.

To the Secretary to the Government of Madras,
Educational (Home) Revenue Department.

Sir,

With reference to Memorandum No. 3588-1 dated 13th October 1916 forwarding a petition from Messrs. King and Partridge, on behalf of Chowakaran Keloth Bikutti Umma of Tellicherry, objecting to the proposal to acquire S.No.4/6 of Vadikkakam desam, Tellicherry, I have the honour to refer to G.O. 811 Edcl. dated 24th July 1916 in which the acquisition has been ordered.

2. In accordance with the G.O. the necessary valuation &c. have been called for, for the preparation of the notification under Section 6 of the Act but have not yet

particular 9

5/10

40
been received. The owner will have the usual opportunity of stating her objections in the ordinary course and the present petition is therefore rather premature; and that is one reason why I did not send a formal reply to the petition presented to me. But as I told her representatives, I think the objection must be overruled.

3. In the petition presented to me the only ground urged was that if the site in question is acquired the petitioner ^{will} ~~could~~ have nowhere to live. The bungalow now standing on the site was built a few years ago; it has never been used as a private residence and I doubt if it was ever intended to be so used. It is certainly quite unsuitable in its present state for the residence of a Moplah widow. The family to which the petitioner belongs is one of the richest families in Malabar and owns a very large number of bungalows as well as other land in Tellicherry and North Malabar.

4. There is no other land so suitable for the purpose of the Convent School: the site adjoins the school buildings & if it is acquired the whole Convent premises can be enclosed in one ring wall. It is not quite correct to say that the site is being acquired "for the purposes of a play ground". A large part of it is occupied by the bungalow, which is not to be pulled down but used as an extension of the school premises (it is so used now being held on lease by the Convent). The Correspondent of the Convent has explained this in her letter dated 30th May 1916 printed in G.O. 811 dated 24th July 1916. I may add that objection similar to that now raised would inevitably be used to the acquisition of any site in the neighbourhood, though a poorer person might not be able to press it so strongly. The Convent is behind the Club and in the heart of the most congested part of the "West End" of Tellicherry where house sites are especially valuable and in demand. It is clearly very much better to acquire a building which has never been used as a private residence than to have to evict.

11
5. On the question whether the purpose of the acquisition is a public purpose within the meaning of the Act it is presumably not necessary for me to comment in view of G.O. No. 811 dated 24th July 1916; but I may remark that the value of the bungalow and site will come to nearer Rs 15,000 than Rs 1,500, to judge by my cursory inspection.

6. I return the enclosures.

I have the honour to be,

Sir,

Your most obedient servant,

Aslam
Collector.

CN^o 3862 E66

30-10-16

12

KING & PARTRIDGE
Solicitors and Notaries

PARTNERS
PERCIVAL WALTER PARTRIDGE
HORACE A. DU CANE HIGNETT
WILFRID HAZELL SELL

Telegraphic Address: "REGAL"
A.B.C. Code: 4th and 5th Editions
Telephone No. 16
P. O. BOX NO. 121



Madras

26th October 1916

From,

Messrs. King & Partridge,

Solicitors, M a d r a s.

To,

The Chief Secretary to the Government of Madras,

M A D R A S.

Sir,

With reference to your Notification No.C 3588 Edn. dated the 11th instant acknowledging receipt of our letter of the 6th idem - - written on behalf of our client Chowakaran Keloth Beekutty Umma, of Tellicherry, we have the honour to request that we may be advised as to what orders, if any, have been passed in connection therewith.

We shall be pleased to call and see you in the matter, should you so desire on hearing from you what day and time will be convenient.

We have the honour to be,

Sir,

Your obedient servants,

Percival Walter Partridge

SMR

(3) encl

Dr. H. H. No. 5-11-16

encl

spiritual and physical
encl

No. 5

the consideration of Government
the matter is still under
the consideration of Government
that the matter is still under
the consideration of Government
that the matter is still under
the consideration of Government

89

Seckt. II-25.

13

Home (Sd) DEPARTMENT.

3588
3562-2 dt 4. 11. 16

FROM

THE SECRETARY TO GOVERNMENT,

Home DEPARTMENT.

To

mem King and Partridge
Solicitors
Madras

Recd to go
GIVE
3-11-16

DATED FORT ST. GEORGE
COTACATUN

No. 1916,

SIR,

012CF

I have the honour to acknowledge receipt of your letter _____ dated
the 26th Oct 1916, which has been brought to my attention. written on
behalf of your client Chovakaran Kelo M
Beekullyamma of Tellicherry and to state
that the matter ~~is still under~~ is still under
the consideration of Government

I have the honour to be,

Sir,

Your most obedient Servant,

sm
3-11-16
Sd
3.11.16

R
3-11-16

800 4093
9-11-16 14

KING & PARTRIDGE
Solicitors and Notaries
PARTNERS
PERCIVAL WALTER PARTRIDGE
HORACE A. DU CANE HIGNETT
WILFRID HAZELL SELL
Telegraphic Address: "REGAL"
A.B.C. Code: 4th and 5th Editions
Telephone No. 16
P. O. BOX NO. 121



Madras

16th November 1916.



From
Messrs. King & Partridge,
Solicitors,
M a d r a s.

To
The Chief Secretary to the Government of Madras,
M A D R A S.

Sir,

We have the honour to request that an early reply may be --
sent to our letter to you of the 26th ultⁿ, in connection with the --
petition forwarded on behalf of Chowakaran Keloth Beekutty Umma.

We regret we have to again call your attention to this --
matter, as our client has telegraphed to us asking how matters stand.

We enclose herewith copy of our abovementioned letter for
your ready reference.

We have the honour to be,
Sir,
Your obedient servants,

King & Partridge

For Regr

This letter is dated the 6th Nov and the reply to
mem^o King and Partridge was despatched on the same date.
The case has gone to the D.F. no. 87-6 out-5
this may be

Looped. & added to the main
file when received

SMD
10.11.16
10.11.16

10.11.16

small

small

particulars of petition
submitted

received

100

This letter is dated the 6th Nov and the reply to
mem^o King and Partridge was despatched on the same date.
The case has gone to the D.F. no. 87-6 out-5
this may be

King & Partridge

For Regr

This letter is dated the 6th Nov and the reply to
mem^o King and Partridge was despatched on the same date.
The case has gone to the D.F. no. 87-6 out-5
this may be

Looped. & added to the main
file when received

10.11.16

SMD
10.11.16
10.11.16

15
(Copy)

26th October 1916.

From

Messrs. King & Partridge,

Solicitors,

M a d r a s.

To

The Chief Secretary to the Government of Madras,

M a d r a s.

Sir,

With reference to your Notification No.C.3588 Pdn. dated the 11th inst. acknowledging receipt of our letter of the 6th idem written on behalf of our client Chowakaran Keloth Beekutty Umma of Tellicherry we have the honour to request that we may be advised as to what orders if any, have been passed in connection therewith.

We shall be pleased to call and see you in the matter, should you so desire on hearing from you what day and time will be convenient

we have the honour to be,

Sir,

Your obedient servants,

Sd/- King & Partridge.

ackd. (copy) 1/11/16

Home (Ed.) Dept.

Acquisition of land.

[C. 3588] From messrs King and Partridge,
Solicitors, dated the 6th Octr 1916.
For Regr.

Please see G.O. No. 811, dated the
24th July 1916 considering that the
land referred to herein should be
acquired under the Land Acq. Act.
The petition may, it is subd. be
referred to the Collector of Malabar
for very early remarks. Draft O.M.
submd. A draft acknowledgment to Messrs

King & Partridge is also submitted.

6th
11.10.16
JL
11.10.16

CA
12.10.16

p 8 of.

[C. 3804] From the Collector of Malabar, R.C.
No. 864 B & G, dated the 12th Octr 1916

[C. 3862] From messrs King and Partridge,
Solicitors, dated the 26th Octr 1916.
For Regr.

Please see G.O. No. 47 Edul.,
dated the 15th Jan 1915 sanctioning
certain amounts towards the provision
of playgrounds for certain educational

institutions. A sum of Rs 1406 was allotted to the Sacred Heart Girls school - vide the last item in the annexure to G.O. No. 47 Educ., of the 15th Jan 1915.

2. The Dir. of Pub. Works. in his letter of the 30th June 1916 on p 2 of G.O. 811 Est., of the 24th July 1916 recommended the acquisition of a bungalow and a site for the Sacred Heart Girls school as the owner, a Mappilla lady, was unwilling to part with it. The Govt. thereon considered that the land should be acquired under the Land Acquisition Act. vide G.O. No. 811 Educ., of the 24th July 1916.

3. Messrs King and Partridge, Solicitors, have, on behalf of their client, the owner of the land, presented a petition to Govt., protesting against the acquisition and the collector's remarks on this petition have been obtained.

4. The Solicitors say "The property is of considerable value to our client and she does not wish to part with the same under any circumstances whatsoever". It is submitted this is one of the reasons why the site

in question is acquired under the Act. As regards the value, if the owner is not satisfied with the award made by the Collector, Part III of the Land Acqⁿ Act provides for a reference to the Court.

Parabonp205

2 Messrs King and Partridge suggest the acquisition of another site in lieu of the one now under disposal. Attention is requested to the letters of the Correspondent of the Sacred Heart High School on pp 2-3 of G.O. No. 871 Est., of the 24th July 1916 which gives the grounds as regards the suitability from every standpoint of the proposed acquisition.

6. The Solicitors taken objection to the application of the Land Acqⁿ Act. Similar cases like the one now in question have been dealt with in G.O. No. 166 Est., the 10th Feb 1914, (Tinkkattupalle High School), G.O. No. 310 Est., the 20th Mar 1914 (Coles Memorial School, Kurnool), G.O. No 684 Est., the 10th June 1914 (Muthialpet High School) G.O. 869 Est., the 24th July 1914 (C.M.S. College, Tirunelveli)

This subd, that ^{in view of} ~~looking at~~ the above precedents there is no objection to the application of the Land Acq. Act in the present case.

I. The Collector remarks that the present petition is premature and that the owner will have the usual opportunity of stating her objections in the ordinary course. The Collector also strongly urges the proposed acquisition - vide para 4 of his letter on p¹⁰ C.F.

J. This for consideration whether the Solicitors may be informed that they ^{feel} see no reason to reconsider the orders issued in G.O. No 811 Est. of the 24th July 1916 ~~concluding~~ ^{deciding} that the land should be acquired under the Land Acq. Act.

SM
30.6.16

^{for} Submitted that the file may be sent to the D.P.D. for his remarks on the Solicitor's letter, before finally replying to them.

520

An intermediate reply may go to the Solicitors, with reference to their second letter (encl. 12 g.c.f.), to the effect that the matter is still under consideration.

CA
2.11.16

S. P. I. Leo

3/11/16

For Regn.

An intermediate reply to the Solicitors is subd. for approval.

emp
3.11.16

CA
3.11.16

[Issued as No. 2588-2 dated the 4th Nov 1916]

200 Ino. (p. 11. 16)

WGN 176 0816 7 9.11.16

I do not think I can do anything in the Convention's argument. The Convention appears to be willing to pay the price whatever it may be.

fr. 16.
xi.
4.

P.T.O.



200 Ino 3588-3
4.11.16

200 Ino 3588-3
4.11.16

200 Ino 3588-3
4.11.16

Letter
[C. 4092] from Messrs King and Partidge, dated
the 6th November 1916.

For Regr.

A draft order is subo for
approval. It may be sent to the
Revenue dept. for acceptance.



SM
11.11.16
11.11.16.

CR
12.11.16
Lc

New
13.11.16

228-4
13.11.16

REVENUE
1697

14.11.16

15

Revenue Department

To Secretary.

The draft order may, it is
submitted, be accepted in
this department and the
file returned to Home (Only) Dept.

Accepted in Revenue

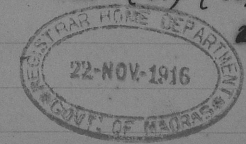
LAR

Revs 1697 A/B
18.11.16
18.11.16
20/11

18.11.16

18.11.16

Home (L.) (100)



In order as to issue

A
22/11/16

AE
23/11

25.11.16.

25/11

400
cut 27/11
rel 25/11

To Secretary
The draft order must be
submitted, be accepted in
this department and the
the returned to the (2nd) Secy
Clerk in Charge
H.M. (C.) (00)
25/11/16

Sectt. II-10 (a)—12-1-15

Sec't. II-10 (a)-21-16.

Informing messrs King and Partridge,
Solicitors that the Government see no reason
to reconsider the order in G.O. No. 811 of 24th the 24th
July 1965 ~~declaring that~~ the lands required by the authorities
of the Sacred Heart Girls' School, Jelliecherry should be
acquired under the Land Acquisition Act.

Home (Ed.) DEPARTMENT

READ AGAIN G.O. No. 811 EOD, dated the 24th July 1916 - J

” ” ” ” ” 191

★ *READ ALSO:—*

C. No. 3588, From the Mem King Partridge, No., dated the 6th Oct 1916

Letter No. 3088-2 Dated the 4th November 1916
" " " " When King of the Kings " the 6th November 1916

40933, VII, the 6th November 1916

ORDER

No. 1250, dated the 25th Nov 1916

mis

messrs King and Partridge,
Solicitors, will be informed
that the Government see
no reason to reconsider the
^{issued}
orders, in G.O. No. 811, Educational,
dated the 24th July 1916 declaring
that the land should be acquired
under the Land Acquisition Act.

Te

Merrill King and Partridge

(A of I-order only, g of II, V, VI or VII)

The collector of malabar

the D.P. 9 (955)

The Revenue department (905)

SMD
11.11.16

11.16

12-11-16

13/15

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