

Home (1918) Department.
Education

Ordinary SERIES.

G.O. No. 214

DATED 20.2.18

INDEXED

[Despatch Abstract.]

Suit.

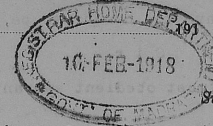
Passing orders as regards the claim made by the former owner of the Capper House on account of the rent for the buildings for 23 days in March 1915.

Home (Education)

DEPARTMENT.

C.F.—20.

Received



Registered

1918

Subject.

Requesting orders of Government regard^{ing} the rent claimed by the former proprietor M.R.Ry. A.R.Subrahmanya Mudaliar of the Capper House.

ENCLOSURES.

No.

Ref. on Cur. No. 1123/18,

Spare copies

Station Madras, Dated the 15th February 1918

From (Name) The Hon. Mr. J. H. Stone, M.A., F.R.H.S.C.I.E.
(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras,
Home (Education) Department.

Sir,

With reference to my letter R.C.No.8814/14, dated 6th December 1915 disposed of in G.O.No.1402 Edl., Mis., dated 13th December 1915, I have the honour to state that M.R.Ry A.R. Subrahmanya Mudaliar, one of the former proprietors of the Capper House, has given me notice (copy enclosed) to the effect that unless he is paid rent for 23 days in March 1915 he will institute legal proceedings in the Court of Small Causes in Madras. I have consulted the Government Solicitor on the subject and his opinion as to the validity of the claim made by M.R.Ry. A.R. Subrahmanya Mudaliar is contained in the enclosed copy of his letter No. 206, dated 12th February 1918. I request

p.3c.f.

p.3c.f.

2
the favour of orders of Government as to the further action to be taken on the subject.

I have the honour to be,

S i r,

Your most obedient servant,

G. Vishwanathan
for Director of Public Instruction.

P.V.S. 15/2. *15.2.18.*

3
Memo from A.R. Subrahmanya Mudaliar, Nos. 2 and 3 Kuppu Muthoo Street, Triplicane, dated 3rd February 1918, to the Director of Public Instruction, Madras, regarding Capper House (now Queen Mary's College on the South Beach).

I have ~~the~~ to inform you, that the rent for "Capper House" for March 23 days of 1915, has not been paid as yet. On this subject I wrote several letters, long long ago, to Mr. Littlehailes, Deputy Director of Public Instruction, demanding early payment but still the payment has not been received as yet. So I hereby call upon you to take notice that unless the balance of rent due for "Capper House" for March 23 days of 1915 is not paid within seven days of this notice hereof, legal proceedings will be instituted in the Court of Small Causes at Madras, without further intimation.

Letter from the Government Solicitor, No. 206, dated 12th February 1918, to the Director of Public Instruction.

With reference to your letter R.C.No. 1123/18, dated the 8th February 1918 re, the rent for 23 days in March 1915 claimed ~~by~~ for the former owner of Capper House, I have the honour ~~to~~ point out if a suit is filed against Government the Court may order the Government to pay the rent for the 23 days after deducting Rs.100 according to the arrangement between you and the owner. A technical defence may be raised that as there was no registered lease in this case, there will be a legal bar to the proof of the claim.

2. The equitable view to take of the matter would be that the owner is not entitled to anything, as he ~~now~~ owes the Government Rs.400 odd but I cannot say that the Court will take this view, and it must be left to you to decide whether you will settle or fight.

/True copies/

G. Vishwanathan
15-2-18
for Director of Public Instruction.

15.2.18.

Home (204) Def 11

Subject - Suit for arrears [C.O. 349 B]. From the A.P.D., Re. no. 1123 of 188, the 15-2-18.
of the Copper House.

(5)

In G.O. no. 740 of 188, the 23-6-14 the Govt. took on lease for 15 months the Copper House for the location of the Queen Mary's College for women and agreed to pay a rent of Rs 350 a month. They made an advance of Rs 1500 to the landlord to be recovered in 15 monthly instalments of Rs 100 each. Before the advance could be completely recovered the property was compulsorily acquired by the Govt. At the time of the compulsory acquisition the landlord had to pay a sum of Rs ~~440-8-5~~⁴⁴⁰⁻⁵⁻² to the Govt, being the unpaid portion of the advance paid to him and the Govt. had to pay to the landlord the rent of the buildings for 23 days in March 1915. When the latter was demanded by the landlord, the Govt. Solicitor ~~Solicitor~~ advised its appropriation towards the refund of the balance in the advance and suggested that if the landlord sued for it a counter claim for the balance might be filed and that if he did not, it might be further considered whether the Govt. should sue for the unpaid balance.

2. The landlord did not sue for the rent and the Govt. Solicitor ^{expressed the} ~~expressed the~~ opinion that a suit for

p. 1 of G.O. no. 713
1-7-15 (R)

p. 3 — do —

p. 6 — do —

ibid

ibid

p. 1 of G.O. no. 1402 of 13-12-15 (R)

p. 4 — do —

5
suit for the recovery of the ~~balance of~~ ^{balance of} the advance would not be successful. The matter was allowed to rest there.

p. 2 C.P.

p. 2 C.F.

3. The landlord now threatens to file a suit for recovery of the arrears of rent for 23 days in March 1915 and the Govt. Solicitor is not sure whether there is any valid defence for the Govt. He leaves it to the D.P. to decide whether ^{he will} ~~he will~~ fight. The latter solicits the orders of Govt. in the matter, apparently with reference to the concluding portion of Go. No. 713 Ed. of the 1-7-15.

4. If the Govt. do not fight they have to pay the rent as demanded. If they go to Court they may either win or lose, and in the latter event the additional expenditure in the shape of cost will not after all be large. In the circumstances it seems preferable to defend the suit. The D.P. may be requested to do so. Subject to orders a draft order is submitted for approval. ~~approved it may be sent to the D.P.~~
~~in accordance with the orders of the D.P.~~

PD
19.2.18
CR
19.2.18

CR
20.2.18

20/2/18

Suit.
 Passing orders as regard the
 claim made by the former owner
 of the 'Copper House' in account
 of the rent for the building for 23 days
 in March 1915.

Sd.
 Home ~~(Sd.)~~ DEPARTMENT

READ AGAIN G.O. No. _____, dated _____ 191 .

" " " " _____, " _____ 191 .

READ ALSO:-

C. No. 34913 From the 8-7-2 R.O.C. No. 1123, dated 15-2 1918 .

" " " " _____, " _____ 191 .

" " " " _____, " _____ 191 .

ORDER.

his

No. 2114, dated th 20-2 191 .

The filing of the suit by the
 former owner of the Copper House may
 be awaited. If the suit is instituted
 the D. P. D. is requested to arrange
 for its defence.

CR
 19.2.18

CR
 20.2.18 *my*
 20/2/18

2
CR
 20.2.18
 The D. P. D. (2/20)
 Govt. Solicitor (Also)

(10) 10/10/10

The following is a list of the
names of the persons who have
been examined in the
last 10 months.

ind

The following is a list of the
names of the persons who have
been examined in the
last 10 months.

10/10/10

10/10/10

When given for copying

When copied

When examined

When signed

10/10/10

READ AGAIN G.O. No.
191

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITO.

PAPERS NOT FILED UP, BEING WANT FOR DISPATCH
IN ORIGINAL

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