

Home (1918) Department.
(Education)

Ordinary SERIES.

G.O. No. 656.

DATED 21-5-1918

INDEXED

[Despatch Abstract.]

Acquisition of land.

Informing the Collector of Ganjam that in respect of the
----- for the Surangi secondary school, Ichchapuram, he may in the
circumstances stated dispense with the execution of the formal deed
of conveyance of the land.

PAPERS PUT UP WITH CURRENT No.

Papers of the department to which the current belongs.

Number.	Date.	Original (=O) or spare copy (= S.C.).	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

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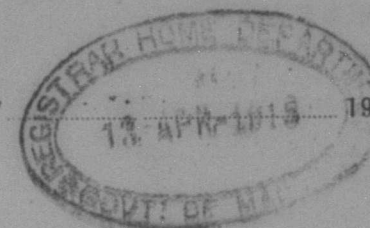
Department.	Number	Date.	Original (= O.) or spare copy (= S. C.).	Initials with date of (1) Referencer acknowledging returns of the paper concerned or (2) Despatcher to denote the return of the papers to the department concerned.

Revenue

DEPARTMENT.

C.F.—29.

Received



Registered

13-4 1918

Subject.

Surangi School.

Soliciting orders whether ^a formal conveyance ^{is} for the land acquired for Surangi school at Ichchhapuram should be insisted on.

ENCLOSURES

No.

R.C. No. 1229/Cor/18.

Spare copies

Station Camp, Hiramandalam, Dated the 8th April 1918. 191

From (Name) C.B. Catterall Esquire, C.I.E., I.C.S.,

(Designation) Collector of Ganjam.

To The Secretary to the Government of Madras,

Home (Educational) Department.

Madras.

Sir,

In G.O. No. 1338 Home (Educational) dated 26-10-1917 it is ordered that the land acquired for the Surangi High School at Ichchhapuram should be conveyed by a formal deed drawn up in consultation with the Government Solicitor.

The zamindar of Surangi, to whom the school belongs, is not anxious to pay the Government Solicitor's fee. If he is willing to take the land on a simple receipt or certificate it is his own affair, and Government interests cannot suffer. I request orders whether the formal conveyance can legally be insisted on and if it may not, if the zamindar wishes, be dispensed with.

I have the honour to be,

Sir,

Your most obedient servant,

For collector.

Subject.
Conveyance of land
acquired for a private school.

[C.N. 82513]. From the Collector of Ganjam, No 1229 Col/18
d/ 8. 4. 18.

Please see para. 4 of office note on pages 2 & 3 of
notes to G.O. No 1166 Eols, the 10. 2. 14. The practice of
conveying lands acquired for private educational
institutions by formal deeds was adopted on the
analogy of the transfer of lands acquired for
companies - cp. sect. 41(2) of the Land Acq. Act.
The procedure connected with the acquisition in such
cases was considered circuitous and the question
whether any simpler method of transferring such
lands was practicable was considered, in vain, in the note
to G.O. No 1362 Eols, the 9-12-15. Accordingly the
original practice still continues.

2. The cost of the land acquired for Surangi high
school was met by the authorities of the school and
the Govt. in equal proportions. After acquisition
the land vests absolutely in the Govt. - Please
see sec. 16 of the Land Acq. Act. It is therefore in
the interests of the authorities of the school that
the land should be formally transferred to them
by a deed of conveyance.

If they do not care for such a transfer, it does
not appear that the Govt. should insist on their
doing so; nor does it appear necessary for Govt.
to consider, for the disposal of this case, whether
a formal conveyance ~~can~~ ^{should} be legally insisted on.

3. If the above view is concurred in, the draft
order

GO No. 974 Amul (204)
26.7.17. (V)

Received 25.7.17. 11.00 AM
(V) 515.20

order submitted below may issue with the Concurrence
of the Revenue Department.
The file may be sent to Rev. for remarks.

22.4.18
Ld
24.4.18

27.4.18

I do not see how the concurrence
can be avoided.

The land vests after acquisition
in Govt. To transfer immovable
property a deed is necessary.

However, to Rev for advice
28/4/18

Rev (us)

Revenue Dept

To Under Secy

It is the interest of the
zamindar of Luranji to see that the
land is transferred to him by a formal
deed of conveyance and if he is un-
kindful of his own interest, it does not
appear to be the business of Govt to
force him to do so. ~~Revt. for advice~~
~~Revt. for advice~~
~~Revt. for advice~~

SRA
4-5-18

S
GHL
11/5/18

CLB
6.5.18

If there is no formal conveyance
what will be the position? We shall



Blome (Edn)
No. 825 B-1
29.4.18
Rev. U.O. 765 D
Rgd
30-4-18

11/5/18

Apparently he owns the land. The school will be in occupation merely for permission. If the land ceases to be used as a school have we any compensation? In this land, if for want of conveyance we treat the land as the absolute property of Govt, should we not alienate in the ordinary way?

Mr. Ford

To W.O.

Alienation should always be subject at least to the two conditions laid down in B.S.O. no 24(12). These conditions cannot be imposed except with the consent of the Alienee and the Alienee who has paid ~~half~~ the cost of the acquisition (this only half) will very likely not consent to abide by the conditions. Further an order of alienation is not the 'proper assurance' within the meaning of Section 30 of the G of I Act 1915 to be granted to the School Authorities in a case like this. Proper assurance is a conveyance deed - vide ^{para 72} the Advocate General's opinion in pp 2-3 of G.O. no 1022 Home (Education) d 7.8.17 put up. And a conveyance deed need be executed only if the interested party wants. If the party

p 62 Vol II B 30

p 19 of the Act put up -

J

does not want, it does not appear that the Govt need do anything now. The land may be treated in the accounts as the property of the school.

CE
11-5-18

S. The above view appears correct. I do not think Govt would have to pay any compensation if the land ceased to be used as a school.

GM
15/5/18

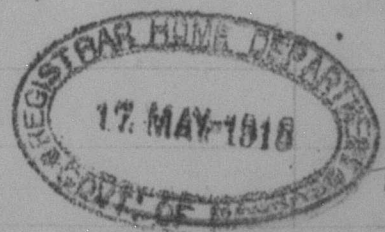
Very well. Home

He
15/5/18

Home Educ. no

Home (Educ) Dept

The draft order already submitted is for approval.



PP
17.5.18

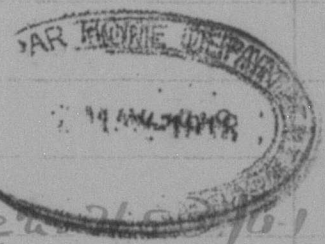
A
18.5.18

W
21/5/18

Res 15/5
Thrs B
Wals
13.5.18

Sp (+)
10/5

Rev. 17-5-18



When given for copying *B*
When copied *25/5*
When examined *25/5* 191
When signed *25/5*

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 DETG.

PAPERS NOT FILED UP, BEING MEANT FOR DISPATCH IN ORIGINAL.

N.B.—

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