

Home (1918) Department.
(Education)

Ordinary SERIES.

G.O. No. 1067

DATED 19-8-18

[Despatch Abstract.]

Acquisition of land.

Declining to revise G.O. 101 dated 5-3-18 and stating that, if the authorities of the Hindu Theological High School, Madras, so desire the Government will be prepared to acquire house No. 100/101 in Andiappa Nayak street for the school and promising a grant for the purpose and asking the Collector of Madras to submit a draft notification.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

HOME (EDUCATION)

DEPARTMENT.

C.F.-29.
Co 486 B
18-7-18

Received

191

Registered



Subject: *Submitting application from the correspondent, Hindu Theological High School, Madras, regarding acquisition of certain houses for the*

Theological High School, Madras.

ENCLOS RES.

No.

Spare copies:

Re No. 10074/16

Station Madras, Dated the 15th July 1918.

From (Name) The Hon'ble Mr. J. R. Stone, I.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 G.O. No. 301 Home (Education) dated 5th March 1918 in connection with the acquisition of certain houses for the Hindu Theological High School, Madras, I have the honour to submit herewith the letter No. 514 dated 27th June 1918 of the Correspondent and to state that the reason for dropping the question of the acquisition of house No. 142 in Mint street was mainly that it was stated that the owner of house No. 100/101, Audiappa Naick street, was willing to sell. In the circumstances reported by the correspondent, I strongly recommend that the Collector of Madras may be directed to

resume

2
resume proceedings for the acquisition of house No.142
including the lane and house No.22 in the Palliappan street.

I have the honour to be,

Sir,

Your most obedient servant,

Raaviar

for Director of Public Instruction.

Md.I. 15/7

No.54

The Hindu Theological High School,

Madras, 27th June 1918.

From

The Correspondent,

The Hindu Theological High School,

Madras.

To

The Director of Public Instruction,

Madras.

Through The Inspector of Schools,
4th Circle, Madras.

Sir,

In connection with the house-acquisition scheme of this school you were pleased to inspect the locality in company with the Collector of Madras on the 7th February last. Both of you agreed that the school needed expansion, that the ground-floor and the first floor wanted more light and ventilation, and that the play-ground might be enlarged by acquiring No.22 in the Palliappan Street behind the school. But, for the reasons of (1) avoidance of 'bad blood', (2) high price of the adjoining house, (3) unwillingness of Mr. P.Venkatakrishnan (owner of house No.142 in the Mint Street), and (4) inconvenience to the Postal Department, you were pleased to come to the joint conclusion that the requirements of the school might be met by acquiring (1) the lane between 141 and 142, Mint Street, (2) No.22 in the Palliappan Street, and (3) 100/101 in Audiappa Naick Street. The Collector adduced very strong arguments to make you give up 142, Mint Street, (except the lane between it and the school) and to take instead 100/101 in Audiappa Naick Street. Chief among his reasons were (1) the reasonable price of 100/101 as compared with that of 142, (2) the willingness of the former's owner to part with his house, and (3) the willingness of the owner of No.22, Palliappan Street.

After thus recalling to your memory the position with regard to acquisition as it stood nearly five months back, I beg to state the following:- I have waited all this time for the result of your joint deliberations but your proceedings R.C. No.1074 of 1916

him to begin negotiations. (Copy of my letter is herewith attached)

He replies on 22nd April (Copy of reply is also attached.) that he does not desire to sell his house, that he may do so for a 'fancy-price', and that the smallest sum he will accept is Rs.35000/-

In this connection I venture to submit that, if compelled to pay this large sum, which is nearly twice the amount named by the Collector, I would rather choose 142 than any other, and that for a very good reason viz. that 142 contains four class-rooms on its first floor even as it is, as against only one such in the other house.

I am afraid the collector's theory of showing deference or consideration to the unwillingness of any private individual to surrender his property, even when the interests of a public institution imperatively demand such a measure, is a dangerous theory in that it establishes a bad precedent. As very few private persons are so public-spirited as to forego selfish considerations in the presence of a public cause, the enunciation of the principle of deference by responsible and high-placed government officers puts a premium upon human selfishness and strengthens the uncivic spirit. The infection catches, as the new attitude of Mr. Sivagnana Mudaliar towards this question shows.

That the infection has caught is further proved by the fact that N.Manickammal, the owner of 22 in Palliappan Street also writes under date 11th February 1918, evidently under outside prompting and direction, that she does not wish to dispose of her house in favour of the school. (Vide copy of her letter also which is not properly signed.) If government must subscribe to such a view of public duty, I can only say that we must not allow ourselves to pay Rs.35000/- for 100/101 as it is not worth while, in my humble opinion, either for the school or for the department to do so.

I am informed that the monthly rent of Sivagnana Mudaliar's house is about Rs.110/- The valuation therefore is Rs.21000/-.

(1)
Copy of letter dated 15th March 1918 No.459, from the Correspondent, The Hindu Theological High School, Madras, to M.M.Ry Siva-
Ganapadialar Avergal, B.A., B.L., High Court Vakill, Madras.
Sir, - I come to know that you are willing to sell your house
No.100/101, Adilappa Naick Street, George Town, Madras. The Hindu
Theological High School is growing and needs more space. I request
you to be so good as to let me know at your earliest convenience
the price at which you are willing to part with 100/101. I take
this opportunity to bring to your notice the fact that it is the
school that is to be a party to the transaction. You are an old
and experienced patriot and you are all along evincing very great
interest and sympathy in the cause of education in Southern India.
Therefore I am sure you will kindly find your way to do all you can
to help this poor and growing institution. On hearing from you I
shall make necessary arrangements for settlement of terms and so
conclude the bargain. An early settlement by way of giving over
the use of your house to the school before the school opens for work
after the summer vacation will have the effect of keeping the Hindu
Theological High School bound to you for ever and ever.

I beg to remain,
etc. etc.

(2)
Copy of reply dated 22nd April 1918 from P.M.Sivagnana Mudaliar,
High Court Vakill, Madras, to the Correspondent, the Hindu Theological
High School, Madras.

Dear Sir, - Re.- Nos.100/101, Adilappa Naick Street.

Yours of 15th March. I delayed replying to your letter as
I heard that you were moving the Government to acquire the above
house. I had no desire of selling the house but seeing that the
value of immovable property has risen considerably and more so in
this locality which has become one of commercial importance I was
willing to part with it for any fancy price it is capable of fetching
now.

I wrote to Government protesting against compulsory acquisi-
tion and have received its reply that it does not propose to acquire
it. There was an offer of Rs.35000/- (nett) for the house but the
intending purchaser was frightened by the rumour that the Government
desired to acquire it. If you are willing to pay Rs.35000/- I shall
let you have the house and arrange to deliver possession before July.

The offer of Rs.35000/- is only if the school authorities
purchase it. For others I would not part with it for anything less
than Rs.40000/- Please let me have an early reply as there are
other offers.

Yours faithfully,
etc. etc.

(3)
Copy of reply dated 11-2-1918 from N.Manickammal, 22, Palliappan
Street, Sowcarpet, Madras, to The Secretary of the trustees of the
Hindu Theological High School, Mint Street, Sowcarpet, Madras.
Sir, - I, the landlady of the house No.22, Palliappan street, Sowcar-
pet, next to your school buildings backside, intimate you that I
have no wish to dispose of my house which you require for the use
of the school some months ago.

Yours
X Mark of N.Manickammal, Landlady.

Subject.

Acquisition of certain houses for the Hindu Theological High School, Madras.

Pl 42 of G.O.

301 Edy ④
5.3.18



Submitted to the Director of Public Instruction, Madras, with reference to Proceedings Ref. on C.No.10074/18, dated 13th March 1918 for favour of orders.

H. J. J. J. J.
Ag. Inspector of Schools,
IV Circle.



Hand (Edy)

As early as January 1918 D. P. D. recommended the acquisition of the two houses in question, viz: No. 142 in Mint St. and No. 22 in the Pallikuppam St. The proposal to acquire the former elicited a deal of opposition from the ^{of the South Indian Chamber of} owners of the property. It was threatened to seriously inconvenience the Postal Dept. since it was stated that in the event of acquisition for the school, the owner might ~~be compelled~~ require for his private purpose another house of his which is held on lease by the Postal Dept. for the accommodation of the Soucarpet Post office. The P. M. S. reported that the proposal would probably result in the closure of the Soucarpet Post office, since it was so hard to get another suitable building for the Post office in that busy centre. While confronted with these difficulties, there was a fair prospect of the school getting, by private purchase, ^(in Suburban Nanganallur No 100/101) another house, which, though not ideally suitable for the school, was expected to cost far less. At a joint conference

p. 49 cont.

At 52453 of
Go. 30122/101
S. 2. 18
the order itself.

At 546, C.F.

p. 21 of Go. at 3

therefore of all those concerned in the acquisition, it was arranged to drop a question of acquiring the house in M. The D. P. J. himself agreed to this, wholly to avoid the "bad blood" in that would ensue by the compulsory acquisition of the property.

2 It now transpires that the owners of the house ^(No 100/101) in Andriyappa Nayak St: demands an abnormally high price of much as Rs 35,000 - for his house which according to the departmental valuation may not be worth more than Rs 24,000. The D. P. J. therefore ^(requests) that the Collector be asked to resume proceedings for the acquisition of the houses ^(viz. No 142 Mmt Street and No 22 Pallidippan Street) suggested. The Collector has already reported that the cost of acquisition of these two houses will be about Rs 38,246 including the 15% allowance.

3 The question now for consideration is whether this acquisition having been once given up for certain difficulties which were definitely ascertained to be considerable, ~~the matter~~ ~~the matter~~ ~~the matter~~ the matter should now be resumed. Neither the D. P. J. nor the Local Board have

Said anything definite about the acquisition of the house as opposed to purchase of the house in Audingappa Nayak St. That the proprietor of that house demands a very high price may be made a reason for furthering the Act in operation. ^(He was also in favour of acquiring it.) The only question is whether the D.P.D. ^{now} considers it adequate for purposes of the school: no doubt it was so considered by him in February last. Perhaps the Director may be consulted up to ~~whether the house would not~~ whether the house would not be sufficient for the purposes of the school and whether it should not be acquired under the Land Acqr. Act.

^{21.7.18} Please see p. 207 & 5-2-18 & the Collector's final report on pages 52 & 53 of the papers herewith. It seems undesirable to reopen the question of the acquisition of the whole of the house (No. 142, Mint Street), which had been arrived at by mutual consent and as a final solution of the ~~whole~~ ^{whole} matter. ~~Because~~ A portion of the house (No. 142 Mint St.) was, by common consent, to be acquired to provide a lane next to the ^{school} building for purposes of ventilation &c.

539-8030181 (G)
53.8

The only new factor, on which the reopening of the question is based, is Mr. Swagnana Mudalegi's letter. He, as owner of the alternative property proposed for acquisition (No 100/01, Audappa Haick Street), was originally stated to be willing to sell his property to the School, but is ~~now~~ now reported not to be so. His letter to the School authorities of 22-4-18, on page 6 of C.F., is not so clearly against sale as it is made out to be. He "is willing to part with it for any fancy price it is capable of fetching now." Objection such as it is is not usually considered valid in acquiring property for public purposes. It is obvious that Mr. Swagnana Mudr. is not keen about ^{keeping} the property for himself, nor ~~is he~~ does he state that he wants it for any use of his own. He is prepared to part with it; but is only anxious about the sale amount. ~~only~~ If he does not come to any reasonable terms in a private transaction with the School authorities the question of acquiring the property under the L. Acq. Act may be considered. Abnormal demand is generally regarded as one of the reasons for the re-opening of the Act. The amount to be given for the acq.

with them be for the acquiring officer to settle.

On the other hand, the property on the Mint Street (No. 142) is stated to be needed for business purposes, and the President of the South Indian Chamber of Commerce protested also against its acqui- & pointed out that such a course would "dislocate business & business transactions in the locality very seriously". The interests of the Postal Department will also be affected.

Even if it were thus be seen that, even ~~apart from the consideration~~ ~~and~~ viewing the question merely as one of selection of ~~one of~~ a site for a ~~public~~ public purpose from two unwilling owners, there is greater reason for giving up No. 142, Mint St. and for selecting No. 100/101 Andrapa Kach Street. From the point of view of the School, it has already been decided that either of them will do.

At
24.7.18

I am not for going back on the old decision. But I certainly think

Page 42 of 44 of
in No. 301 E (C)
573/18

NOTES.

Page 6

That the Act may be enforced to acquire the alternative sites already decided on. Let the Com send a draft declaration. And if the correspondence will defray the sum assumed with the usual promise to pay more if required we can proceed.

Mun
25/7/15

29/7
In. has been disposed of
p.2 of G.O. 47 in G.O. No. 301 Ed. 2, dt 5th March 1918 the D.P.S. while recommending the houses in Mint St. also recommends a grant not exceeding half the total cost of acquisition; and ~~states~~ a grant from public funds is essential in order to put the Act into operation as otherwise there is no "public purpose" for which alone acquisition under the Act is permissible.

2 It is presumed that the present intention is to sanction a half-grant in respect of the acquisition of No. 100/101 in Sundiyappa Nagar St. The approximate ^{valuation} cost of the property ~~including~~ the 15% allowance is reported to be about Rs 24,000. Subject to orders on the points raised above a draft order is

18/8

2 The draft, if appl.

may go to Revenue w/o for acceptance

1.8.18.
LL
18.18

9
57.87.18

My 12/8/18

Rev up

Home 18.18
No 486 B-1
Rev. U. O. 1558 D

Rgt
7.8



Revenue Dept

To U.S.

The draft order may, it is submitted, be accepted & the file returned to Home 18.18

Accepted in Rev 9/1 8/8/18

18.18

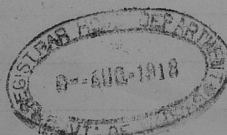
Home 18.18

To U.S.

Thank you at A in p. 5 of the correspondence with certain lands in addition nothing is mentioned in the draft order about this, but this is a matter entirely for Home 18.18

Please see column letter up 5.3.18 5/1/18 where he says we are now in a position to have the draft order prepared to issue

W. O. 1558 D/101 9.8.18



Cir. C. S. box No. 26 15. 8. 18.

For order as to issue

9.8.18

H.E. P

My 12/8/18

15.8.18.

Done W 16/8/18

7.8

25. 8. 18

READ ALSO:—

” ” ” ” ” ” ” ” 191

" "? " " " " 191

ORDER.

No. 1067, dated 19-8-1918.

Mis.

The Government see no sufficient reason to revise their order No. 301 dated 5-3-18. If the authorities of the Hindu Theological High School are desirous of acquiring house No. 100/101 *in* Audiappa Nayak Street, the Government will be prepared to apply the Land Acquisition Act, 1894 for the purpose and to sanction a grant not exceeding Rs. 12,000 or one-half of the actual cost, whichever may be less, towards the cost of acquiring the property.

2. The Collector of Madras is requested to ascertain whether the school authorities agree to the above and are prepared to deposit with him the balance of the cost of acquisition or such larger amount as may be found necessary on actual determination of

the award. If so the Collector will submit a draft notification for publication under section 6 of the Act.

E.A.V.
1-8-18.

T.V.
1-8-18.

C.R.
5-8-18.

R.R.R.
6-8-18.

To

The D.P.I.

„ Collr. of Madras.

„ Rev. Dept.

„ A.C.

*Call when
2.9.18*

Collector to be reminded one
month after issue of o r d e r.

When given for copying

When copied

When examined

When signed

REAR AGAIN G.O. No.
181

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH LITTO.

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

F.R.—

A = Copy in full.

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