

Howa (1919) Department.
Education
Ordinary SERIES.

G.O. No. 222

DATED 18-2-19

[Despatch Abstract.]

Acquisition of land.

Approving the acquisition of R.S.No.6965 of George Town required for the Madras Progressive Union secondary school, promising a half-grant for the purpose and requesting 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.-20

Received 20 AUG 1918 191 Registered 30-8 191

Subject.

Submitting copy of a letter from the Correspondent, Progressive Union Secondary School, Georgetown, re the acquisition of a house.



ENCLOSURES

No.

Spare copies

R. C. No. 6423/1917

Station Madras, Dated the 27 August 1918

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

Referred to the Collector of Madras for remarks.
(Pay order)

To The Secretary to the Government of Madras,

HOME (EDUCATION) Department.

Home Deptt 1918. 3-9-18
Rajagopal
30/8/18

With reference to G. O. No. 409 Home (Education) dated 25th March 1918 in connection with the acquisition of a house for the Madras Progressive Union Secondary School, Georgetown, I have the honour to submit herewith a copy of letter No. 15 dated 6th August 1918 from the Correspondent and to state that, in the circumstances mentioned therein, compulsory acquisition appears to be necessary.

I have the honour to be,

Sir,

Your most obedient Servant,

N. A. Ariyan
for Director of Public Instruction

✓
Cm 1146 BR/8 Ha
5 9 18

2/3
Copy of letter from the Correspondent, Madras Progressive Union school, Georgetown, Madras, No. 15, dated the 6th August 1918.

"Last year on behalf of the committee of the Madras Progressive Union school I applied to you for the compulsory acquisition for the school of house, ground and premises No. 6 Palliyappan street, Georgetown, Madras, situate to the north and west of the present school premises.

Year after year the inspecting authorities have had to draw pointed attention to the fact that the accommodation afforded by the school was insufficient having regard to the number of classes and the pupils. It is to remedy this serious defect ~~that~~ we had to apply to the Educational authorities for the compulsory acquisition of the said property which is very conveniently situated adjoining the present property and the acquisition of which would enable the school authorities to extend the school buildings in a suitable manner so as to have adequate and convenient accommodation. There appears to have been a reference from the Director of Public Instruction to the Collector of Madras regarding the compulsory acquisition of the said property and from reference on C. No. 6823 of 1917 dated the 8th day of April 1918 communicated to me and from the proceedings of the Collector of Madras set out therein I find that the present owner of the house was stated to be willing to part with the property and further a valid and clear title can be secured by private purchase. The former statement that the present owner of the house was willing to part with the property was not correct because even prior to our applying to the Educational authorities for compulsory acquisition of the property we made an endeavour to acquire the property by private negotiations and it was when we found that we could not get the owner to agree to any definite terms and that we could not acquire a clear title to the property by private negotiations we had to apply to the authorities for the compulsory acquisition of the same. It will be seen that the last male owner of the property Kothandarama Pillai has conveyed the property

2534

-2-

to his sister Alamelu Thayaramma who is also his mother-in-law by registered deed of sale bearing the date the 21st day of May 1917. The property is the ancestral property of the said Kothandarama Pillai and therefore the power of alienation of ancestral property by the said Kothandarama Pillai is not absolute but depends upon the circumstances and the purposes for which the sale is made. We are not in a position to satisfy ourselves whether the sale made by the said Kothandarama Pillai is binding on his co-parceners.---- Apart from this the sale to so near a relation has all the appearance of a BENAMI transaction. But even granting that the sale was real and binding so far as the said Kothandarama Pillai and his co-parceners are concerned it is difficult now to say whether the purchaser Alamelu Thayaramma purchased the property and out of her own Sridhamam funds or from her husband's property or other property in which as a Hindu widow she would have only a widow's interest. It is now difficult to decide that question finally and satisfactorily and unless and until the widow dies and 12 years elapse within which the reversioners can file a suit to establish their right to the property it would be impossible to say what kind of title would be passed by the said Alamelu Thayaramma executing a deed of sale.

However after the receipt of the Proceedings of the Director of Public Instruction above referred to inclusive of the proceedings of the Collector of Madras, Mr. V.V.Srinivasa Iyengar, High Court Vakil and president of the Madras Progressive Union school forwarded te-1- a letter under registered cover to the said Kothandarama Pillai dated the 18th of April 1918 requesting the said Kothandarama Pillai to furnish his opinion regarding the nature of his interest in the property and the sale by him to the said Alamelu Thayaramma. The letter was delivered to the said Kothandarama Pillai by post as would appear from the acknowledgment receipt. A copy of the said letter and the registered acknowledgment receipt received by post are hereto attached. No reply was received to the said letter till the 21st day of June 1918 whereupon Mr. V.V.Srinivasa Iyengar addressed

-3-

addressed another letter to the said Alamelu Thayaramma bearing the date 21st June 1918. The said letter was returned by post undelivered nearly after a month on the ground that the said Alamelu Thayaramma has gone out of Madras and neither her present whereabouts nor the date of her return is known.

Even if the said Alamelu Thayaramma should be willing to part with the property and execute a deed of sale in favour of the school for any reasonable price the President of the school ^{Mr. V.V.} is a High Court Vakil and who has examined the title deeds is unhesitatingly of the opinion that a clear title could not be obtained by any deed of sale executed by Alamelu Thayaramma.

Even on the last occasion when the school was inspected this year the inadequacy of accommodation in the school was drawn attention to. We had in fact to close one section of the II ~~nd~~ form and also refuse to admit a very large number of pupils who sought admission into the school and as the present classes in the school are also inconvenienced for want of proper accommodation we have no course open to us but to appeal to you once more to pass orders for the compulsory acquisition of the said house No. 6 Palliyappan Street, George Town, Madras, for the school.

From the facts above set out it would be obvious that the only way in which the authorities of the school can acquire the property and obtain a satisfactory title thereto would be by the Government acquiring the property for the school compulsorily.

I have therefore the honor to request you to be so good as to issue orders for the compulsory acquisition of the said property for the school as early as possible."

(True Copy)

N. Ann
For Director of Public Instruction



Home Department.
Education Branch.

REMINDER.

REPLY.

To

The Collector of Madeira

To

The Secretary to Government

The undersigned has the honour to invite
is directed to invite
invites

attention to the communication noted in the

no. 1332 B-1, dated 3.9.18 margin and to

request that
this reminder may be returned at once with
information as to—

- (1) the stage at which the matter now is, &
- (2) the date by which a reply may be expected and
- (3) the circumstances which have caused the delay.

2. It is requested that the reply to this
reminder may be sent not later than

Returned
(1) Pending with the
Sabidat whom I
am reminding.

A. Tokenham
Clerk

Madeira
31.10.18

31.10.18

12.11.18/1918



Office

Home Dept.

Station

Post St. George

Dated

28. 10. 18

Signature.

Designation.

Regio. Sec.

SUBJECT.

Proposals for the acquisition of a house
for the Progressive Union Secondary School,
George Town.

Home
(Ed. 4)

Lodged.

5.11.18.

5.11.18

6/11/18

Note: coll. 3 will

ag. 4 be submitted

on 15.12.18

on 1.2.09

P.S. Ponnuswami Pillai purchased the property at an auction held in execution of a decree of the High Court in

C.S.No.95 of 1897. On his death, a ^{part} portion of his family property was made and the house fell to the share of -- Kothandarama Pillai one of his sons. He continued to be in possession of it till 1917 when he sold it to the present owner who is said to have found funds to buy it by -- selling her jewels and also a house which was her sridhanam property.

As the school authorities apprehend that the purchase of a house from a Hindu widow who has generally only a life interest in her husband's estate is likely to give rise to litigation and as the owner has no objection to sell the property, I think that it may be acquired under the Land Acquisition Act.

I have the honour to be,
Your most obedient servant,

Tottenham
Collector. 6.2.19.

Subject.

Acquisition of a house property for the Progressive Union Secondary School, George Town.

Home (Edn)

Le. 1832/B, from the D.P.D., R.S. 6423/17, 27.8.17
Le. 260/B, from the S.D.O. of Madurai, 1146, 5.2.18

In Oct. 1917, at the instance of the management of the Progressive Union Secondary School, George Town, the D.P.D. recommended (i) the acquisition under

pp 142 of G.O. 409 Edn. 25.2.18

the Act. of R.S. No. 6965 for the school, (ii) a half grant to meet the cost of acquisition. On a refer. to the Collect. (The Hon. Mr. Rajagundin Khan Bahadur) it was elicited that there were no serious difficulties in the way of the school authorities purchasing the property by private negotiation and that the price demanded was quite fair. The Govt. therefore declined to accede to the proposal for the compulsory acquisition of the house property - Vide pp with G.O. No. 409 Edn. dt 25.11.17 March 1918

pp 14-15 clote.

(G)

2 - The proposal has been now renewed mainly on the ground that a clear and valid title to the property cannot be secured if it is purchased from the present owner who as a Hindu widow entitled only to a life interest in her husband's estate. The Collector (Mr. Tottenham) to whom the question was again referred forwarded a circular

G. P. H. C. F.

A. B. C. D.



(10)

Para 1 of J. P. S. letter at p. 2 of Lr. at (4)

to support the proposal for compulsory acquisition. The Govt. have also agreed recognized the principle that in cases like this, the Land Acq. Act may be put in operation - vide Lr. No. 599 Edw. 27th June 1913. It is therefore ~~the~~ submitted that ~~the~~ the Act may be applied to the present case also. It is presumed that the Director's original recommendation to make a grant-in-aid equal to half the cost of acquisition stands good. Revenue may be consulted.

8-2-19. *CA* 10-2-19

A case for compulsory acquisition is clearly made out. Draft to be sent to Revenue for acceptance.

A draft order is submitted. It may be sent to Revenue for acceptance. 11-2-19. *CA* 12-2-19 11/13/2/19

Recd 10/19

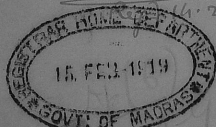
See Supp

To Lr. S. The draft order may, it is submitted, be accepted & the file returned to Home (Lr.)

14-2-19 Home (Lr.) 14-2-19

Home Secy. 18-2-19 13-2-19

Rev. U. O. 344 D



Rev. U. O. No. 344 D 15-2-19

Hamel Ed. 11 Dept.

The draft order may issue

$\frac{83}{15.218}$

$\frac{a}{17.2.19}$

May 2/18

Acquisition of land.

~~Serial. 11-10-61 5 002 13 1 10 46~~

Home DEPARTMENT

Approving the requisition of R.S. No. (2d.)
6965 of G. T. reqd. for the National
Progressive Union Sec: School, promising
a half-grant for the purpose & requesting
the Coll. of Names to submit a draft and list.

READ AGAIN G.O. No. 409 Translated 28 3 1918 (4)

22 " " " " " " 191

READ ALSO:—

C. No. 1832 / B-19 From Lte D.P.G., R.C. No. 6422 / 17 dated 27. 8. 1918
 " " Le: 260 p. 9, letter of Madras R.O.R.A. No. 1146 / 1918
 d/s. z. 19.

ORDER

Ms.

In the case now reported, the Govt. approve the proposal to acquire, under the Land Acquisition Act, R. S. No. 69 of 1905 of George Town, Madras, (house No. 6, Paliappan St.) required for the Madras Progressive Union Secondary School. They will also be prepared to give a grant not exceeding one-half of the ~~acq~~ actual cost of acquisition.

2 The Collector of Madras is requested to submit a draft notification for publication.

publication under section 6
of the Act.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

11.2.19.

To the D.P.D. 940.

Collyer of Medical (14/10)

A. G. three: Phil. (14/10)

Reckoner Depth. (14/10)

Collyer to be examined
2 months after issue.

11.2.19.

When given for copying
When copied
When examined
When signed

191

READ AGAIN G.O. No.
191

DATED

CURRENT No.

ENCLOSURE 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 DISPATCH
IN ORIGINAL.

F.E.

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