

Home (1917) Department.

Education
Ordinary SERIES.

G.O. No. 820

DATED 1-7-18

[Despatch Abstract.]

Conveyance Deeds.

Recording notes relating to the insertion in —
in respect of lands ~~acquired~~^{used} for private bodies ~~on~~^{of} condition
stipulating for the continued use of the lands for the purpose for
which its acquisition was applied.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Rev	1514	Rev	3-8-27				

Seckt. 71-8 (b) -22,001-16-1-17.

NOTES.

Page _____

Extract of notes connected
with memo No. 629 B-12/1-5-19
re. conveyance deed relating
to the land acquired for
the St. Mary's Home, Cuddalore.

Home (Education) Department.

G.629/B, from the Collector of South Arcot, R.O.C.
1106/dated 22-3-1919.

Subject:- Deed of conveyance relating to the land
acquired for the St. Mary's Home,
Cuddalore.

Extract of the Registrar's note on the
draft in this case:-

"Was it not recently agreed to with Revenue
"that the conveyance should contain a condition about
"the purpose for which the land acquired under the
"Act for a private body should be eventually used?"

C.R.29-3-19.

The Registrar presumably refers to the orders
in G.O.No.1890 Revenue dated 14th May 1918 which
inter - alia impose in the case of lands alienated
for purposes of schools other than local fund and
municipal, a condition as to liability to resumption
if recognition of the school is withdrawn. It has
not been specifically considered since whether these
orders should be made applicable to the case of lands
acquired for and conveyed to aided bodies.

2. Attention is however solicited to the case
of the Tirukattupalli High School disposed of in
G.Os No.166 Educational dated 10th February 1914 and
No.1215 Education dated 20th November 1916. In that
connection the point was raised whether it would not
be expedient to incorporate in the deed of conveyance
a clause providing for the refund of Government
grant, should the land come to be used for other than
educational purposes. It was argued that the whole
business formed two distinct transactions in as much
as, besides the conveyancing of the property to the
private management after acquisition, the school
authorities were liable to execute, under article 55

(1)

para 1(3) of G.O.
at (1)

(H)

(L)

4

NOTES.

Page 2

of the Grant-in-Aid Code, a mortgage deed guaranteeing the use of the property for educational purposes for forty years and that the latter was ample safeguard. Accordingly the conveyance deed in that instance did not specifically stipulate the purpose for which the land should be used and this procedure has been followed in several cases since disposed of.

3. The point for consideration now is this - while the above procedure is correct in regard to the acquisition and conveyancing of lands towards the cost of which the Government have made a substantial grant-in-aid whether adequate guarantee is obtained from the school management in cases like the present where the Government contribution is only nominal with a view to bring the acquisition under the category of public purpose. The D.P.I may be requested u.o to state (i) whether a mortgage deed such as that contemplated in article 55 of the Grant in Aid Code is obtained in cases of the kind at "A" above and if not (ii) what safeguard he would suggest which will secure the continued use of land in such cases for bona fide educational purposes as a consequence of the use of the Act for acquiring the land.

F.A.V.1-4-19.
T.K.2-4-19.

G.R.3-4-19

S.

R.R.R.4-4-19.

D.P.I(U.O)

[Office of the D.P.I.]

(i) It has not been usual to obtain a mortgage deed in cases in which the Government contribution was only nominal.

(ii) In cases in which a substantial grant-in-aid has been awarded, mortgage deeds have been

one anna in this case -

Geo. No. 792 (200)

18.6.18

(M)

obtained except from those schools which are managed by reliable bodies e.g., missions.

(iii) I suggest that in all cases of acquisitions under the Land Acquisition Act the property should be conveyed where this is possible to the management by means of a conveyance deed wherein shall be incorporated the conditions contemplated in section 41 of the Act and in Chapter VIII of the Land Acquisition Code. This will save the management the need of executing a mortgage deed. The only advantage that I can at present see would be that my office might lose sight of the lands conveyed for educational purposes to the Government institutions. The Government Solicitor is unable to state whether a valid conveyance can be made to the management of an institution which is a corporation.

R. L. 12-4-11

Home (Education)

With reference to "A" above it is necessary to consult the Government Solicitor; in section 41 of the Land Acquisition Act there is no doubt that that and connected sections apply to registered corporations. Unless there is a rigidly ruled that Government will not undertake the acquisition of lands on behalf of schools or managements of which are not registered bodies does not seem possible to adopt the course suggested by the D.P.I in clause (iii) of his note. It is therefore for orders whether a change should be made in the existing practice which is summarized in the D.P.I's note.

Vide definition of company in sec.3 (e) of the Land Acquisition Act.

The D.P.I merely refers to S.41 of the Act for purposes of analogy and does not apparently mean that the acquisition is made under Part VII of the Act.
C.R.

NOTES.

Page 4

The Revenue department may also be requested to offer their remarks.

E.A.V.17-4-19.

T.K.23-4-19.

The D.P.I.'s note is not quite clear. In the specific case in issue, the D.P.I. seems inclined to impose the condition that the land shall be used for the purpose for which it was acquired at least for forty years. Whether we should bring in the condition laid down in the Grant-in-Aid Code in the conveyance in respect of this case appears to be of doubtful necessity, as the mortgage deed printed as appendices C & P of the Code refers to the imposition of those conditions in return for the payment of a grant (usually a substantial sum) which in this case is only a nominal amount. This general question may be taken up separately. Even if the D.P.I.'s proposal is accepted, there will still be need for executing mortgage deeds. Such deeds should ordinarily be executed in all cases of grants-in-aid of building schemes; cases among them involving acquisition of land under the Act must be few; and cases where the Government grant to enable acquisition is only nominal must be fewer still.

The significance of the question raised at A in the D.P.I.'s note is not understood. Deeds of conveyance have been executed on the advice of the Government Solicitor, in favour of individual managers of schools as in the case of the Tirukattupalli school.

We may in the present case ask that a condition such as that imposed in the cases noted in the margin may be included in the deed so as to secure the use of the land for the particular purpose for which it

p 3 ante.

G.O.No.1215 Eden
D/20-11-16. (L)

pp 4 & 5 of G.O. (13)
385 Eden D/17-8-16
p.3 of G.O.1590 Eden
D/12-12-18. (D)

has been acquired.

C.R.25-4-19.
S

I should also think that whether the grant is substantial or not, we are entitled to impose conditions when we sanction the use of the L.A. Act.

R.R.R. 28-4-19.

A draft memo returning the deed for revision to the collector is submitted.

E.A.V. 28-4-19.

C.R.30-4-19.
S

R.R.R.1-5-19.

With reference to the Secretary's note above it is submitted that the D.P.I. may have to circularise aided schools saying that in cases where the Land Acquisition Act has been put in operation in order to help a private management to obtain lands for purposes of its school, the land will invariably be conveyed by the Government to the school by means of a conveyance deed, the deed making specific provision, among others, for the continued use of the land for the purpose for which it was acquired and for no other purpose. These notes may therefore go to the D.P.I (U.O) for taking the requisite action.

E.A.V.26-5-19.

TL
28.3.19
ca
3/6/19

I do not think that a caveat is necessary. It is enough if the SPG advises us that the above proposal is equitable. Also, the condition can always be expressed that we sanction the application.

Issued as G.M

No. 629/R-1
1.5.19 (10)

A
Credited with the amount of
for 10

Memo 629/R-1, dt 1.5.19
for the D.P.I. after distribution
of the same and the D.P.I. should
be kept in the file
of the D.P.I. for reference.

The Act

W 274

W 274

W.O. Camp 102 113 19 9 14 6-19

The above suggestion appears to be equitable.

I suggest suggest the insertion of "except with the approval of Govt" in the place indicated in pencil in the margin of the previous page.

11/10/19

Home (Edw) Del.

Submitted that the project

at 'A' on the previous page, with the modification suggested by the Director will be noted for incorporation in all drafts of Book. Order sanctioning acquisition of land on behalf of private management in future.

The papers may be recorded after perusal by Revenue.

15.6.19

W 274

W 2174

Rev 274

Rev. Sept

For.

The papers may be perused and returned to Home (Edw) and.

Home (Edw) 70 23 6/19



Edw no 1109 B-2 21-6-19

Rev no 1380 D. Rev 23.6.19

Rev no 1380 D/19-1 23 6/19

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Home (Ed)
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25.6.19

26-619

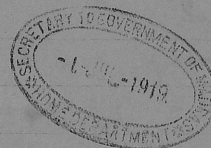
These notes may be

Recorder No: 820.
1.7.49

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STATEMENT WITH LITTO.

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