

House (19 19) Department.
Education.

Crown SERIES.

G.O. No. 866

DATED 12-7-19

[Despatch Abstract.]

Deed of conveyance

Returned duly signed the ----- relating to the
land required for a play-ground for the High school at Otterburn
in the Malabar district.

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

Papers of other departments.

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.

Ref 79-23-18.
Malabar Collector's Office,
Calicut, 27th June 1919. ✓

From

J. F. Hall, Esq., I.C.S.,

Ag. Collector of Malabar.

To

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

Sir,

Reference - Para 4 of G.O.No. 432, Home
(Education) dated 3-4-1918 -- Land Acquisition -- Otta-
palam High School - Play Ground.

I have the honour to forward duly executed
by the Proprietor and Manager of the Ottappalam High
School the deed of conveyance in respect of the land
required for a play ground for the Ottappalam High
School. I request that the deed may be signed on be-
half of Government and returned to me for delivery to
the Manager of the School.

I have the honour to be,

Sir,

Your most obedient servant,

For Collector.

P.V.K./27-6.



3
This INDENTURE made the twelfth day of July One thousand nine hundred and nineteen between The Right Honourable The Secretary of State for India in Council (hereinafter called the vendor) of the one part and M.R. Ry., KUTHIRAVATTATH PRAHLAKARAN THAMBAN AVIRGAL residing at Ottappalam in Walavanad Taluk Malabar District (hereinafter called the purchaser of the other part)

Whereas the pieces or parcels of land and premises intended to be hereby granted conveyed and assigned were duly acquired at a cost of Five hundred and sixty Rupees six annas and four pies by the Government of Madras wholly out of Provincial Funds under the provisions of the Land Acquisition Act 1 of 1894 for the purposes of a play ground for the High School at Ottappalam.

And whereas some of the claimants for compensations may apply to the Court for enhanced compensation under Section 18 of the said Land Acquisition Act and the purchaser has agreed to pay and increased compensation that may be awarded by the Courts and all expenses that may be incurred by the vendor in the conduct of the said Land Acquisition case in all the Courts..

And whereas it has been agreed between the vendor and the purchaser that in consideration of the said agreement and in consideration of the sum of five hundred and sixty Rupees six - annas and four pies paid by the purchaser to the vendor the vendor shall execute in favour of the purchaser such a conveyance of the said pieces or parcels of land and premises as is hereinafter contained subject to the terms and conditions hereinafter contained.

Now this Indenture witnesseth that in pursuance of the said agreement and in consideration of the sum of Five hundred and sixty Rupees six annas and four pies so paid by the purchaser to the vendor as aforesaid the receipt whereof the vendor doth hereby grant convey and assign unto the purchaser his heirs executors

deputed by the vendor to the purchaser
ack

administrators legal representatives and assigns all those pieces or parcels of land and premises situate in the desam of Ariyurtek-kumuri in Ottappalam Amsom of Walavanad Taluk of the Malabar District and being more particularly described in the schedule hereunder written Together with all buildings fixtures trees commons hedges ditches fences ways waters watercourses liberties privileges easements advantages and appurtenances what soever to the said pieces or parcels of land and premises in anywise appertaining or heretofore occupied or enjoyed therewith and all the estate right title interest and property of the vendor into and upon the same premises to have and to hold the said pieces or parcels of land and premises hereby granted conveyed and assigned unto the purchaser his heirs executors administrators legal representatives and assigns for ever upon trust that the said pieces or parcels of land shall be used for the purpose of a play ground for the said school and the purchaser for himself his executors administrators legal representatives and assigns doth hereby covenant with the vendor his successors and assigns that the purchaser his heirs executors administrators legal representatives and assigns will at all times hereafter pay all taxes and assessments that are or may from time to time be levied or imposed upon the said pieces or parcels of land and premises by the Government of India or the Government of Madras or any other authority having power to levy or impose the same and further will pay any increased compensation that may be awarded by any court to which an appeal may be taken and all expenses incurred by the vendor in the conduct of the reference under Section 18 of the Land Acquisition and any appeal therefrom.

In witness whereof Dewan Bahadur Raghunatha Rao Ramachandra Rao the Secretary to the Government of Madras Home (Education) Department by order and direction of His Excellency the Governor of Fort Saint George in Council acting for and on behalf of the vendor and M. R. Ry. , Kuthiravattath Prabhakaran Thampan avergal

avergal the purchaser have hereunto set their respective hands and seals the day and year first above written.

The Schedule Above Referred To.

All those pieces or parcels of land situate at Ariyur-
thekkumuri Desom in Ottappalam in the Registration District of
Ottappalam in the Registration District
South Malabar bearing survey numbers

boundaries		
and extent as under		
Description of land with S. numbers.	Boundaries.	Extent.
		Acres
S No. $\frac{44}{2B}$	North by S No. 44 East by S No. 2A East by S No. 145 5 South by S No. $\frac{44}{3}$ West by S No. $\frac{44}{3}$	0.69
S No. $\frac{44}{3}$	North by S Nos. $\frac{44}{2B}$ & $\frac{44}{1}$ East by S Nos. 44/8 & 145/1 South by S Nos. 44/4A & 44/7A West by S Nos. 43/9 & 43/1A2	2.04
S No. $\frac{44}{4A}$	North by S No. 44/3 East by S No. 44/3 South by S Nos. $\frac{44}{4B}$ & $\frac{44}{5}$ West by S No. 43/1A2 & 44/3	0.98
Total		3.71 acres

Signed sealed and delivered by the abovenamed Dewan Bahadur Raghunatha Rao Ramachandra Rao in the presence of -----

(Sd) R. Ramachandra Rao
12 July 1919
1. F.A. Venkiteswara ayyar,
Clerk, Home Sectt. 12/7/19
2. T. Krishna Kurup,
Clerk, Home Dept. 12/7/19

Signed sealed and delivered by the abovenamed Kuthiravattath Prabhakaran Thampan in the presence of -----

(Sd) K. Prabhakaran
1. K. Janardnan,
High School, Ottappalam.
2. V. Kesawan Nair,
Clerk, High school,
Ottappalam.

Hone (Edg)

O.V.-18.

C. 1295/B

NOTES.

Subject.

Deed of conveyance
re: the land acq'd. for
a play-ground for the
Attapalam High School

Items 2 at 45 of Geo.
N.V.

$$Rs 1500 - 560 = 940$$

Home (Ed. 3) Defn.

Ac-1295/B, from the Coll. of Madras, Reg 29-c-2-18.
In Geo. No: 47 Edli., dt 15th January
1915 grants aggregating to Rs 98,900 were
distributed to municipal educational
institutions for the provision of play-
grounds. So far as the Attapalam High School
was concerned, the original idea
appears to have been to acquire an extent
of 6 acres and 50 cents of land at an
estimated cost of Rs 2000. Against this
amount, a grant of Rs 1,500 was sanctioned
the balance left to the management to
find the balance of Rs 500. The extent
of land actually acquired for the play-
ground is only 2.71 aas. & the compensation
awarded is only Rs 560.64. (Vide conveyance
deed). The question now arises whether the
management should not be called upon
to refund at least the ^{xx} balance of the grant,
even supposing the school gets the
play-ground paid for entirely by the
State. It is however observed that from
the deed now submitted ^{that} the school authorities
anticipate an application to the Local
Court for an enhanced compensation,
under Sec. 18 of the Land Acquisition Act
& that they undertake to pay any interest

compensation that might be awarded by Civil Court as also the costs that might have to be incurred in the conduct of the the land & eq. suit. It is doubtful whether this guarantee is sufficient to induce Govt. to waive their claim for refund. The reference to the Civil Court for enhanced compensation is, after all, only anticipated. The present case is more or less analogous to that of the Taylor High School, Narasapur, where the management was eventually permitted to utilise the excess Govt. grant in adapting the land acquired for purposes of a play-ground ^(in laying out two tennis courts) - Vide papers with - No. 1486

① Ed. 2, d/ 22nd Nov. 1918.

2. In the present case before the deed is executed by Secy, it may first be ascertained from the Collector whether the ex-owners of land have actually applied to the Civil Court for increased compensation: if the Collector's reply is that they have not, the D. P. D. may be consulted as to the desirability of asking the management to refund the excess grant with them. A draft memo to the Coll. is dated

6-7-19 The above overlooks the note on page 17 of P. No. 432, of 3-4-19

in which the question of cost was compared with the grant sanctioned. From the Enclosure to the Collector's second letter that pp. (page 14) it will be seen that a sum of Rs 4040 would be needed for levelling the site. This, with the cost of acquisition (Rs 500), would make up Rs 4500 and the prob. paid amounts to only Rs 1500. Further the possible enhancement in the compensation to be awarded by the appellate Court will have to be paid by the School. We need not therefore raise the question of return of the balance.

The order may be signed by the Secy.

CA
9.7.09

A draft order is subd.

For 14

CA
11.7.09

my
12/7/09

Please by post to the Secy
10/7/09

(After Rs 4000 paid
the balance of the cost
will be taken on
the Rs 1500 with
interest @ 10%)

3

Deed of conveyance.

Recd. 1P10 (a) 5,002-13-1-19, (6)

Home DEPARTMENT.

Returning duly signed the — (Adv.)
relating to the land aqrd: for
a play-ground for the High School
at Cottapalam in the Malabar dist.

READ AGAIN G.O. No. 432 Home dated 2. 4. 1918. (A)

" " " " " " 191

READ ALSO:-

C. No. 1295/B From the Collector of Malabar, No. Ref. 79, dated 27. 6. 1919.
C-3-18

" " " " " " 191

" " " " " " 191

ORDER.

No. 866, dated 12. 7. 1919

Mos.

The conveyance deed
submitted by the Collector of
Malabar with his letter read
above is returned duly signed.

107/9

11.7.19

12/7/19

To the Collector of Malabar (with
deed aqrd: in aqrd: cover
copy being kept for record)

1/10/19
157

When given for copying
When copied
When examined
When signed

19

READ AGAIN G.O. No.
19

DATED

SECRET No.

ENCLOSURES TO C. 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.

N.B.—

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