

Law (1921) Department.
Education

Ordinary SERIES.

G.O. No. *792*

DATED

26-5-21

INDEXED

[Despatch Abstract.]

Acquisition of land---Rama Krishna Students Home-owners objection
 previous orders-declined to be reconsidered.

413/24
17.3.21

P.S. 4-2,000-12-1-20.

PRIVATE SECRETARY'S OFFICE, MADRAS.

✓
Est. No. 1099R

30.3.21



Memo. No. 386-P

Transferred to the Secretary to Government, Law (Est.)

Department, for favour of disposal.

ENCLOSURES :

3

(By order of His Excellency the Governor.)

Mares

The 29th March 1921.

Ordry
Private Secretary.

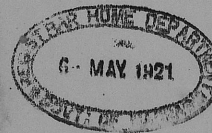
3
SECRETARY
28 MAR 1921
MADRAS

To

His Excellency

The Governor of Fort St. George

MADRAS



The humble memorial of P. R.
Ganapathi Iyer, High Court Vakil,
residing at Nos. 34 & 35, Luz
Church Road, Mylepore, Madras.

Respectfully Sheweth,

Visit Sketch
p 578-122-2
2-11-20
Jalson
p 395-0
413 211-2-2
9-0 1282
2-11-20

1. That the petitioner is the owner of Re-Survey
No. 1805/I-B, Oliver's Road, Mylepore, Madras.

2. That by a notification of the Government
published in the Fort St. George Gazette dated 9th
November 1920 p 724, it was notified that a portion of
my said land as per plan therein referred to, was needed
for a public purpose viz, a play-ground for Ramakrishna
Student's Home and the petitioner received a copy of the
plan after service of the legal notice about the end of
November 1920.

3. That the land so stated to be required by the
notification was 2 acres while the Home had at the time
of the construction of their buildings about 1½ acres of
lands upon a portion of which the buildings for the
lodging and boarding of the inmates were constructed.

4. That while proceedings under this notification
and the investigation thereunder were pending and the
petitioner had pointed out to the Land Acquisition Collector
that the extent notified as required together with the
selection

selection of the site as shown in the plan was indicative that no public purpose nor a real indispensable necessity was the guiding object, the petitioner was informed on the 20th March 1921 that another G. O. No. 413 Home (Educational) dated 17th March 1921 was passed under S. 49 of the Land Acquisition Act by which an additional extent of petitioner's said land viz, 7 grounds 107 Square feet was sanctioned by Government for being acquired for the Home.

(R)
 I think that the petitioner's request - viz part of the 50 a is (R)

5. The petitioner need hardly point out that forced sales ordinarily entail great hardship on private owners and do not adequately protect their interests, that such compulsory powers being extraordinary rights given only to Government should be resorted to only when superior public interests and supreme necessity compel such a course to be taken and the petitioner, therefore, submits that the said two Government orders for the acquisition of petitioner's land for the Home will be reconsidered in the light of the following.

6. That the petitioner submits that the Government will not be justified in using the powers vested in it for the sake of private persons, societies or other institutions however much the objects of such persons, societies or institutions may be for benevolent or other useful purposes except in the cases pointed out in the Act.

7. That this is so, will appear from the language of S. 6 of the Land Acquisition Act I of 1894 according to which a declaration may be made if land is required for 'the Company' which according to the definition in S. 3 Cl(e) will not include the 'Home' for which petitioner's land

under the same Act the declaration may also be made if the land is required for a public purpose

But the land is not required for a public purpose as the land is not for a public purpose all the land is

is now required and the Act permits acquisition for Companies only because a special procedure in part VII is provided for such a case.

which is not necessary if the land is used for a "public purpose" under procedure in Part II is applicable

The procedure is not applicable in the present case as it is an act under Part II & not under Part VII of the Act

8. According to this special procedure the Government has to institute an enquiry and be satisfied not merely that the particular acquisition is needed but also that the work for which the acquisition is needed is likely to prove useful to the public. There is also the guarantee that if the work is not carried out or the Company ceases to exist the land acquired really for a public purpose will not ultimately become private property but the property of the Government i.e., of the public.

9. That the true spirit and intent of the Act is that its use should not be made in favour of private bodies, however, beneficial it may be in the opinion of such bodies, or of the Government will also be clear from the express provision made in the Madras Estates ^{Land} Act S. 186 which enables a land-holder to acquire the holding of the ryots in his estate for certain purposes under the safeguard of an adjudication by a Civil Court. It may be pointed out that but for this special provision, the Government will not be authorized to resort to the Land Acquisition Act for the cases provided for in the Estates ^{Land} Act.

10. That it is hardly necessary to bring to the notice of the Government that the working of this Act which confers extraordinary powers on the Government has been one of the sources of the legitimate grievances of the public who feel that the Act works and is being worked harshly.

11. That, if before orders were passed the Government had given the persons concerned and affected, opportunity to represent their objections and to explain their objections in person there would at least be some satisfaction that they were heard.

The owner has given an opportunity to the petitioner but he has not taken advantage of it. The Government is not bound to give him a hearing. V. 11. 13. 4. 19. 20

12. That apart from these general considerations, the petitioner submits that the extent of land applied for by the Home and under the circumstances mentioned below and notified by the Government viz, more than 2 acres (as stated in the original notification dated 9th November 1920) would show that there was and is not any real necessity merely but that the object is also one of acquisition.

a) The Home authorities had, at their disposal before they began the construction of the buildings one and a half acres of land and if a play-ground was a necessity, some provision could have easily been made before the construction of the building. The petitioner may point out in this connection that the Victoria Hostel which accommodates about 200 students has not attached to it a play-ground in extent anything resembling that now sought to be acquired for the Home, which has about 40 boarders or more. *which is said to take in more than 100 boarders*

See. P. P. G. W. M. K. 11. 13. 4. 19. 20

b) The boarders for whom the Home is intended are only students of Schools and Colleges where provision exists for such play-grounds and there can be no necessity for play-ground on such lavish scale as to deprive the petitioner of more than a moiety of his property and of his rights therein.

c) Land to the north of the Home is more adjacent to the Home, and more suitable as a play ground and can

This has been considered and found unsuitable for a play ground.

been easily acquired and utilised for any play ground if the Home felt the same to be any real necessity.

The petitioner submits that as a matter of fact a few months after the notification of the first G. O and long before the Government was addressed as regards the second G. O, a portion of such land (north of the Home) had been acquired by the Home and this acquisition the petitioner submits dispenses with any necessity for the Government to proceed with the acquisition of his land and places the matter on a different footing as it might have been before the first G. O.

d) The fact that the Home authorities wanted originally the whole of the petitioner's land viz, R. S. No. 1605/I-B which is of the extent of 3 canals 1 ground and 840 square feet and that for a concession price as would appear from the letter marked "A" and when that failed, the Home authorities selected a portion of the petitioner's land only and that in such a way as to make the enjoyment by the petitioner of the remaining portion of the land purposely inconvenient and so as to be at their mercy and approached the Government to help them would only show that the object in making this acquisition was not any real necessity and that there was no indispensable public purpose for the Government to use the extraordinary powers possessed by them under the Statute.

e) The petitioner's land is severed from the Home by a private road running from east to west and is not contiguous to the existing land of the Home but the lands to the north and west of the Home are immediately

Go 1282
2-11-20

Go 41
12-3-21

quite a
different
purpose -
to locate
small work
shop
A

6-8-21

This was at the
request of the
petitioner
to make
himself
more
convenient
to the
Government
to help them
would only show
that the object
in making
this acquisition
was not any real
necessity and
that there was
no indispensable
public purpose
for the
Government
to use the
extraordinary
powers
possessed
by them
under the
Statute.

belongs to
the
Government
of the
United Kingdom

7

*Vote the objection
to selecting this land
- para 3 on pp 2-4 of
S.O. 1667 of 1892*

(M)

immediately contiguous and adjacent and the Home has already acquired a portion of the former land (i.e., land to the north of the Home) and more land if wanted can be acquired both there and in the west of the Home but the petitioner submits that any necessity for any further acquisition under the statute has ceased.

B

** the acquisition
of which was required
in S.O. 413
(7-321) (R)*

f) That if there was any supreme compelling legitimate necessity the site selected by the Home out of the petitioner's land would have been constituted by taking the full length of 580 feet from east to west and by taking less than 239 feet from north to south so as not to cut off any strip.

*Public purpose is
also determined
by the amount of
publ. funds for the
use.*

*This for Govt to
decide and they have
done so by acquiring
the land*

13. The petitioner submits that while the policy of the Government is not any concern of his, the purpose stated is not any public purpose within the meaning of Sec. 5(f) and 6 of Act I of 1894. At least it is not such a public purpose as would justify in the circumstances already stated the use of public funds which are wanted for more urgent purposes such as elementary and Secondary education, building of houses etc.

14. The petitioner while fully conscious that the powers vested in the Government under the Act are absolute, that no appeal lies against the decision of the Government in a Civil Court and that the Act makes the Government the final arbiter, trusts that the Government will on that account regard their responsibility to be greater and consider the petitioner's objections.

15. The petitioner submits that in any event so much as 2 acres and odd are not required that the land now acquired by the Home (to the north) which is about

10 grounds is amply sufficient and that if still more land is wanted, the land to the north or the land to the west of the Home will be more suitable than the petitioner's land (which is in the south and which as already stated is separated from the Home by a road). There is no necessity to proceed to acquire further land of the petitioner as sanctioned under the G.O No.415 dated 17th March 1921. (Amendment "B")

*This was signed
due to the absence
himself*

16. The petitioner prays

a) That the proposal to acquire his land will be cancelled either on the ground that there is no such necessity for a public purpose and is against the spirit and intention of the Act, or if there were any such necessity that it has ceased by the subsequent acquisition by the Home as stated already and that the notification dated 9th November 1920 be set aside.

b) That if there is still any necessity land to the north or west of the Home may be directed to be acquired.

c) That if this be not acceded to, a less extent say about 7 or 8 grounds be regarded as sufficient

d) That even if the above be not acceded to, the extent required be constituted anyhow by taking the whole length from east to west without leaving off a strip as already pointed out and

(R)

e) that the second G.O.No.415 dated 17th March 1921 be cancelled.

For which act of kindness justice, the petitioner shall for ever pray.

P. R. Gumpert

No 10

I dare say you are aware that we are now constructing new buildings to accommodate over a hundred boys for the Kewak Students' Home. We had a gift of 15 grounds of land from Mr. Srinivasa Charier, District Munsif at Ottapalam and bought 11 grounds of adjacent land from Mr. Adiga. The building is thus spread over 26 grounds of land. There is no provision in the site in our possession for any play ground for the large number of boys who will occupy the new buildings and a play ground is a necessity. An examination of the surroundings of the new Home has disclosed to us that the site to the south of the new buildings (in Aruppen Petri R.S.No.1605/I-B, Oliver's Road, Mylapore) measuring, I believe, about 5 cawnies and 1 ground is the only suitable spot available for the purpose in view. I know the land belongs to you. It will be helping and advancing the charity if you could see your way to sell the land to the Home for a concession price. You know that every pie that is spent on the new buildings and on the maintenance of the Home is obtained by begging and we could ill-afford to pay any large price for a play ground in addition to the heavy outlay which we have to face. I need hardly expatiate on the noble work the institution is doing and its claim on your generosity. I am enclosing herewith a copy of the latest report. I request that you will be good enough to give this matter your earliest consideration and let me have a line as to your willingness to sell it to us and the price you propose to fix on it. We shall feel ever grateful to you for any generous help which you may choose to render us and I need hardly add that your name will ever be associated with an institution which has a long and bright future before it and bids fair to be an important factor in succouring to the needs of the intelligent indigent among us.

Yours sincerely

(Sd) C. Ramesani Aiyangar

Secretary.

(True copy)

Annexure "B"

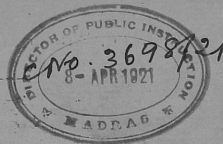
G.O. No. 418 Home (Educational) dated 17 -6 -1921.

X X X X X X

Under section 49(2) of the Land Acquisition Act, 1894
(Act I of 1894) the Government sanction the Acquisition for the
Ramakrishna Students' Home, Mylapore, the narrow strip of land
measuring 7 grounds and 107 Square feet and marked B in the
sketch submitted by the Collector of Madras with his letter
read above.

(True copy)

V-P



Subject

Acq^t of land for a play-
ground for the Ramakrishna
House - objection petition -

Covid 6/6/21

DESPATCHED
7 APR 1921

To
The D.P. (with current in
original to be ret^d in the reply)

Sect. II-8 (f)-25,005-27-4-16.

Home Dep, Sep

C No. 1099B.

Endorsement No. 1099B-1
5-4-21

Referred to the D.P.

for remarks.

as
2-4-21

4-4-21 5/4/21

2-4-21

Note

The remarks of the D.P.
are required with special reference
to the points raised at A+B on pp 5 & 6
C.F. respectively.

as
2-4-21

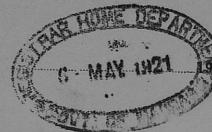
4

LAW (EDUCATION)

DEPARTMENT.

O.F.—20

Received



Registered

Eds 14980
652
191

Subject.

Replying to Government endorsement No.1099 B-1 dated 5th April 1921 in connection with the acquisition of certain lands for the Ramakrishna Students' Home, Mylapore.

ENCLOSURES

No.

Spare copies

R.C. No. 9166/17

Station Madras, Dated the 4th May 1921. 191From (Name) R. Littlehales Esq., M.A.,(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras,

LAW (EDUCATION) Department.

Sir,

In returning herewith the enclosure received with your endorsement No. 1099 B-1 dated 5th April 1921 in connection with the acquisition of certain lands for the Ramakrishna Students' Home, Mylapore, I have the honour to state that the petition does not deserve any consideration— all the points raised therein having already been considered and disposed of previously.

I have the honour to be,

Sir,
Your most obedient servant,

for Director of Public Instruction.

P.R.K. 3/5

192

192

DATED

No.

MENT A A A A A A A

MENT.

IN DISTO.

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FINAL.

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