

Government of Madras

LAW (EDUCATION) DEPARTMENT

G.O. No. 930, 20th June 1921

Queen Mary's College for Women, Madras

Properties adjoining—Application of the Land Acquisition Act, directed.

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தமிழ்நாடு ஆவணக்காப்பகம்

பாதுகாப்பு (Pr1) பிரிவு

பணி எண்:

79/51

செப்பனிட்டவரின் பெயர்

: C.E. ஜனார்தனம்

ஆவணத்திலுள்ள மொத்த தாட்கள்

: 68

செப்பனிட்டு முடித்த நாள்

: 27-4-15

செப்பனிட்டவரின் கையொப்பம்

: சிவசு

பணி வழங்கிய எழுத்தர்
(Issue Clerk)

-- சரிபார்க்கப்பட்டது --

பணி சரிபார்த்த எழுத்தர்
(Checking Clerk)

பிரிவுத் தலைவர்

Government of Madras

LAW (EDUCATION) DEPARTMENT

G.O. No. 930, 20th June 1921

Queen Mary's College for Women, Madras

Properties adjoining—Application of the Land Acquisition Act, directed.

READ—the following papers:—

I

G.O. No. 659, Home (Education), dated the 4th June 1920.

ABSTRACT.—Acquisition of land—Houses adjoining the Queen Mary's College for Women, Madras and belonging to Sir S. Subrahmanya Ayyar—Private purchase—Rs. 3 lakhs—Sanctioned.

II

G.O. No. 297, Home (Education), dated the 1st March 1921.

ABSTRACT.—Acquisition of land—Properties adjoining Queen Mary's College for Women—Private purchase at Rs. 3 lakhs under certain conditions—Approved in modification of G.O. No. 659, dated 4th June 1920.

III

Letter—from A. R. L. TOTTENHAM, Esq., M.A., I.O.S., Collector of Madras.

To—the Secretary to Government, Home (Education) Department.

Dated—the 12th March 1921.

No.—A-1/961-20.

[Land Acquisition—Mylapore—R.S. Nos. 1014, 1015-2/B-2 and 1016—Queen Mary's College for Women—G.O. No. 297, Home (Education), dated 1st March 1921.]

The Government Solicitor, Madras, examined some of the title-deeds relating to R.S. Nos. 1014 and 1015-2/B-2, pointed out certain defects and wanted some further information—please see the extracts of paragraphs 2 to 4 of his letter, dated 26th June 1920 appended. In my letter, dated 1st July 1920, I asked Dr. S. Subrahmanya Ayyar to furnish the above information and supply the defects and reminded him subsequently. He has not yet done so. The Government Solicitor has not yet examined the title deeds for R.S. No. 1016; but he considers that, having regard to all the circumstances of the case and seeing that the defects he has pointed out have not been cleared up, it would be safer to acquire the lands under the Land Acquisition Act.

I accordingly recommend that orders may be issued for the acquisition of the lands under the Land Acquisition Act and that the draft notification sent with my demi-official A-1/961-20, dated 25th January 1921, may be published in the Fort St. George Gazette.

ENCLOSURE

Extracts of Government Solicitor's letter.

The properties intended to be purchased bear S. Nos. 1014 and 1015-2/B-2. The land bearing S. No. 1014 stands in the name of Dr. S. Subrahmanya Ayyar and the land bearing S. No. 1015-2/B-2 stands in the name of Mr. M. S. Sankara Ayyar.

Dr. S. Subrahmanya Ayyar's house.—It will appear from the documents sent that on 26th September 1901 Dr. S. Subrahmanya Ayyar purchased the same from one Mr. Ramasubba Ayyar. This document must be sent for my perusal. An encumbrance certificate for the last 12 years should also be obtained and sent to me. In 1906 a mortgage was executed in favour of one Mr. K. Lakshmi Narayanan Chetti by Dr. S. Subrahmanya Ayyar. Though this mortgage debt is discharged yet to perfect the title the mortgagee Mr. K. Lakshmi Narayanan Chetti should join in the conveyance with Dr. S. Subrahmanya Ayyar as the mortgage is in English form. Subject to the above I think the title is in order.

4. *House on S. No. 1015-2/B-2*.—This was allotted to Mr. M. S. Sankara Ayyar by the decree in C.S. No. 44 of 1913. It is described in the decree as free from encumbrances. Mr. M. S. Sankara Ayyar mortgaged the property first on 25th July 1916 and again on 14th December 1916 in favour of Messrs. R. Ganapathy Ayyar and K. Balasubrahmaniam Ayyar respectively. These bear endorsements of discharge. In 1918, M. S. Sankara Ayyar and his two brothers executed a mortgage for Rs. 30,000 in favour of the trustees of Pappi Chetti Raghaviah Chetties' Charities. This mortgage bears an endorsement of discharge on 18th June 1920 but only one (trustee) mortgagee has signed. The other (trustees) mortgagees should sign. The title is traced only from 1913. The prior title should be shown. An encumbrance certificate for the last 12 years should be obtained and sent to me. If there is a Collector's A Form certificate it should be sent to me. It appears from a recital in one of the mortgage deeds that the property is family property. If any of the three vendors has minor sons, then the necessity for the sale should be made out.

IV

Letter—from M.R.Ry. M. S. RAMASWAMI AYYAR AVARGAL, B.A., Deputy Superintendent of Police (on leave) Beach House, Mylapore, Madras,

and

M.R.Ry. M. S. Sankara Ayyar Avargal, Beach House, Mylapore, Madras.

To—the Secretary to Government, Home (Education) Department.

Dated—the 9th April 1921.

With reference to the proceedings of the Government [G.O. No. 297, Home (Education) Department, dated 1st March 1921] we beg to be instructed to whom we should hand over possession of the bungalows on R.S. Nos. 1014 and 1015-2/B-2, purchased by the Government. We beg to add that we are prepared to hand over possession of the bungalows when required to do so. We request also that orders may be issued for the payment of three lakhs the price sanctioned by the Government, as early as possible.

V

Letter—from M.R.Ry. M. S. RAMASWAMI AYYAR AVARGAL, B.A., Deputy Superintendent of Police (on leave), Beach House, Mylapore, Madras.

To—the Secretary to Government, Home (Education) Department.

Dated—the 9th April 1921.

I beg to state that with reference to the purchase by the Government of the bungalows on R.S. Nos. 1014 and 1015-2/B-2 from Dr. S. Subrahmaniam Ayyar and my nephews M. S. Sankara Ayyar and his brothers, I have become entitled to one lakh and thirty thousand rupees out of the price of three lakhs as the share due to me in respect of the bungalow on R.S. No. 1014 by virtue of the two instruments executed in my favour by Dr. S. Subrahmaniam Ayyar on 29th October 1920 and 22nd November 1920 (certified copies of which are enclosed herewith) I request that instructions may be issued that any communications bearing on the matter may be addressed to me in future instead of to Dr. S. Subrahmaniam Ayyar as he is likely to be going to Bangalore.

VI

Official Memorandum No. 1471/B-1, Home (Education), (Confidential)
dated 17th May 1921.

The marginally-noted correspondence on the subject of the acquisition of certain lands and buildings adjoining the Queen Mary's College for Women, Madras and belonging to Sir S. Subrahmaniam Ayyar and others, is forwarded to the Advocate-General who is requested to furnish the Government at a very early date with his considered opinion and advice on the following points:—

(i) Whether there has been a legally binding contract in regard to the property in question between the Government and Sir S. Subrahmaniam Ayyar and his representatives;

(ii) whether the title to the property is good and clear; and

(iii) whether, by the application of the Land Acquisition Act, the title to the property could be perfected, and if so, whether the value of the property should be arrived at by the process fixed under the Act or whether the Government are bound to instruct the Land Acquisition officer to propose an award of the amount mentioned in the negotiations.

R. RAMACHANDRA RAO,
Secretary to Government.

To the Government Solicitor.

VII

Letter—from HENRY BRIGHTWELL, Esq., Government Solicitor, Madras.

To—the Secretary to Government, Law (Education) Department.

Dated—the 2nd June 1921.

No.—714.

With reference to your Confidential Memorandum No. 1471/B-1, dated the 17th May 1921, I have the honour to send herewith the opinion of the Advocate-General thereon and to return the enclosures sent with your said memorandum.

ENCLOSURE

Opinion.

I have perused the correspondence relating to Sir S. Subrahmaniam Ayyar's property which is sought to be acquired for the Queen Mary's College for Women. I have also read the issue of the 'Hindu' containing the proceedings of the Madras Legislative Council and have specially adverted to the speech of Mr. O. Thanikachala Chetti. I may state *in limine* that the title-deeds of the property have not been submitted to me and I take it that the actual investigation of the title has been conducted by the Collector of Madras in consultation with the Government Solicitor as contemplated in G.O. No. 659, Home (Education), dated 4th June 1920.

The various proceedings culminating in G.O. No. 297, dated 1st March 1921, make it abundantly clear that after certain interviews and some modifications in the original proposals and counter proposals, a definite contract was concluded by the Government with Sir S. Subrahmaniam Ayyar and certain others, the owners of R.S. Nos. 1014, 1015 and 1016, the contract *inter alia* comprising the following terms:—

(1) That the Government should acquire two houses on R.S. Nos. 1014 and 1015 and also a plot R.S. No. 1016.

(2) That the said properties were to be purchased by Government for a total sum of three lakhs of rupees plus an assignment to Sir S. Subrahmaniam Ayyar and his grandsons of a piece of Government land equivalent to R.S. No. 1016 in extent which land has been subsequently ascertained and approved of by the other party to the contract.

(3) That the title to the property is to be examined by the Government Solicitor and the contract is to be completed by private negotiations, if possible.

(4) That in case of any doubt about the title Mr. M. S. Sankara Ayyar is to execute a bond indemnifying the Government against any damages which the Government may sustain by reason of any adverse claims.

In view to the circumstances mentioned in the letter addressed by the Collector of Madras to the Secretary to the Government of Madras, dated the 12th March 1921 and the opinion of the Government Solicitor appended to it and the neglect of Sir S. Subrahmaniam Ayyar to furnish the information asked for, I concur with the Government Solicitor in thinking that it would be safer to acquire the land under the Land Acquisition Act. I may mention however though with diffidence in the absence of the original title-deeds, that the defect pointed out in regard to R.S. No. 1014 seems to be a comparatively trifling one inasmuch as it ought to be easy for Sir S. Subrahmaniam Ayyar to get the attestation of the mortgagees and of Ramasubba Ayyar. It is however to be noticed that as to R.S. No. 1015 the title is traceable only from 1913. In this case the provisions of the Land Acquisition Act have to be requisitioned.

As to R.S. No. 1016 there is no question that the only safe procedure would be under the Acquisition Act having regard to the definite claim put up by M. Venkataswami Pillai. Nothing in the Land Acquisition Act I of 1894 prevents the validity of a contract or arrangement by which a compensation is fixed in respect of land sought to be acquired—vide section 31 (3) and (4) of the Act.

On a careful consideration of the correspondence in the case and the other circumstances connected therewith, my opinion on the points referred to me are as follows:—

(1) There has been a legally binding contract in regard to the property in question between the Government on the one hand and Sir S. Subrahmaniam Ayyar and his relations on the other.

(2) It is impossible for me finally to pronounce an opinion on the validity of the title but judging from the papers before me, I must come to the conclusion that the title to none of the properties at the present moment is good and clear though in regard to the first and second properties the title could easily have been perfected but for the negligence of the vendor.

(3) By the application of the Land Acquisition Act the title to the property can be perfected.

(3-A) The value of the properties having been fixed in the negotiations both by means of correspondence and at personal interviews between those representing Sir S. Subrahmaniam Ayyar on the one hand and those representing the Government on the other, the Government would, in my opinion, be bound to instruct the Land Acquisition officer to propose an award of the amount mentioned in the negotiations.

MADRAS,
2nd June 1921.

C. P. RAMASWAMI AYYAR,
Advocate-General.

Order—No. 930, Law (Education), dated 20th June 1921.

With reference to the debate in the Legislative Council on the 31st March 1921, on the series of resolutions relative to the Budget provision of Rs. 3 lakhs for the acquisition of the lands and buildings required for the extension of the Queen Mary's College for Women, Madras, the Government have taken legal opinion on the record of the negotiations for the purchase of the properties in issue and are advised that there is a legally binding contract to give effect to the settlement thus arrived at and that it is expedient to perfect the title to the properties by applying the provisions of the Land Acquisition Act, 1894. In partial modification of paragraph 2 of G.O. No. 297, Home (Education), dated 1st March 1921, the Government have therefore decided to take acquisition proceedings under the Act. The following notification will accordingly be published in the *Fort St. George Gazette* and the Collector of Madras will be instructed to arrange that the award shall be passed in accordance with the contract:—

NOTIFICATION.

Under section 6, Act I of 1894, the Government hereby declare that the land mentioned in the following schedule and measuring cawnies 2, ground 1, square feet 1,732, be the same a little more or less, is needed for a public purpose, to wit, for the extension of the Queen Mary's College for Women; and, under sections 3 and 7 of the same Act, the Deputy Collector (General duty) and Collector of Income-tax, Madras, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land. A plan of the land is kept in the office of the Deputy Collector (General duty) and Collector of Income-tax, Madras, and may be inspected at any time during office hours.

Madras district, Madras taluk, Mylapore village.

	CV.	chs.	sq. ft.
Dry, R.S. No. 1014, belonging to Sir. S. Subrahmanya Ayyar, bounded on the north by R.S. Nos. 1015-2 B-2 and 1015-2 B-1; east by R.S. No. 989; south by R.S. No. 1013; west by R.S. No. 1015-1	0	17	20
Dry, R.S. No. 1015-2 B-2, belonging to M. S. Subrahmanya Ayyar, M. S. Sankara Ayyar and M. S. Anantanarayana Ayyar, bounded on the north by R.S. No. 1015-2 B-3; east by R.S. Nos. 1015-2 B-3 and 1015-2 B-1; south by R.S. No. 1014; west by R.S. No. 1015-2 B-3	0	18	218
Dry, R.S. No. 1016, belonging to M. S. Subrahmanya Ayyar, M. S. Sankara Ayyar and M. S. Anantanarayana Ayyar and M. Venkataswami Pillai claiming ownership as the grandson of the registered holder, bounded on the north by R.S. No. 1015-2 B-3, east by R.S. No. 1015-1; south by R.S. No. 1013; west by R.S. No. 1018	0	14	1,494
Total	2	1	1,732

(By order of the Government, Ministry of Education)

R. RAMACHANDRA RAO,
Secretary to Government.

To the Collector of Madras
" Director of Public Instruction
" Revenue Department
" Finance Department
" Public Works Department
" Superintendent, Government Press,
for publication of notification } order only.
Copy to M.R.Ry. M. S. Sankara Ayyar,
Beach House, Mylapore
" M.R.Ry. M. S. Ramaswami Ayyar,
Beach House, Mylapore
Editors' Table.

CONFIDENTIAL.

LAW (EDUCATION) DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 930, LAW (EDUCATION),
DATED 23RD JUNE 1921.

[SUBJECT.—Acquisition of lands.]

From the Collector of Madras, No. A-1-961-20, dated 12th March 1921.

In the circumstances stated by the Collector, it is for orders whether the properties may be acquired under the Land Acquisition Act. It would seem that all the three lands will have to be so acquired. Mr. Sankara Ayyar has to be consulted, as it will be a modification of the arrangement arrived at at his discussion with C-2.

2. The file may be submitted to M-1, and C-2. The latter has asked in another connexion whether any further developments have arisen in the matter. Notice of a resolution has been given to omit this sum from the budget.

C.V.V.—16-3-21. T.K.—17-3-21. C. RAMANUJA ACHARIYAR—17-3-21.

The best thing would be to take a statement from Sir Subrahmanya Ayyar and the others agreeing to take three lakhs and the alternative site of ground in full compensation even if the lands be acquired.

2. An objection to acquisition was raised on the last occasion referred to above, but, in view of the difficulty about the title, I do not see how acquisition can be avoided.

R. RAMACHANDRA RAO—18-3-21.

A. S[UBBARAYULU REDDIYAR]—22-3-21.

Demi-official—from the Hon'ble Sir LIONEL DAVIDSON, K.C.S.I., I.C.S., Member of Council.

To—A. R. L. TOTTENHAM, Esq., I.C.S., Collector of Madras.

Dated—Adyar, the 9th April 1921.

I return with thanks the enclosures to your demi-official No. A-1-961-20, dated 27th March 1921.

To Home Secretary u.o., together with Mr. Tottenham's letter to me and another letter from the same officer to Mr. Todhunter. These papers should be treated as confidential and may be required in connexion with the final disposal of the acquisition case.

L. D[AVIDSON]—9-4-21.

ENCLOSURES

(1)

Demi-official—from A. R. L. TOTTENHAM, Esq., I.C.S., Collector of Madras.

To—the Hon'ble Sir LIONEL DAVIDSON, K.C.S.I., I.C.S., Member of Council.

Dated—the 27th March 1921.

No.—A-1-961-20.

[Land acquisition—Mylapore R.S. No. 1014, etc.—Queen Mary's College for Women—(Our telephone conversation).]

I now enclose in original the letter from the late N. H. Sankara Ayyar, dated 9th March 1920, on which the original valuation of the land was based, and a letter, dated 13th December 1920, from the present Tahsildar, in which he gives reasons for thinking that the valuation by Sankara Ayyar is much too high. I also enclose two plans showing all the fields on which the two valuations were based. I think that the correct valuation is probably somewhere between

the two valuations. It is extremely difficult to compare the values of different pieces of land. The lands under consideration have an unique situation on the sea front and at the junction of two roads, and lands quite a short way off inland might be much lower in value. This is why when I sent up the notification for acquisition (my demi-official, dated 25th January 1921, to Ramachandra Rao) I did not think it necessary to say anything about the original valuation having possibly been excessive. I noted simply that the Tahsildar's report should be specially brought to the notice of the Acquisition Officer. Please return all these papers when you have done with them. The value of the buildings is Rs. 51,626, and of the land according to Sankara Ayyar Rs. 2,16,437-4-0 (total including 15 per cent Rs. 3,08,272-11-9), and according to the present Tahsildar Rs. 99,443-5-4 (total including 15 per cent Rs. 1,73,729-11-9). Of course, I have not the least idea what the Land Acquisition Officer after full enquiry might award, or what a Court might award, if a reference to Court were demanded. These preliminary valuations are very liable to err.

P.S.—I haven't given the history of the case as I suppose that's in your file.

(2)

Demi-official—from A. R. L. TOTTENHAM, Esq., I.C.S., Collector of Madras.

To—the Hon'ble Mr. C. G. TODHUNTER, C.S.I., I.C.S., Member of Council.

Dated—the 28th March 1921.

No.—A-1-961-20.

[Land acquisition—Mylapore R. S. No. 1014, etc.—Queen Mary's College for Women
—Your demi-official of 26th which reached me at about noon yesterday.]

As soon as I got your demi-official I talked to Davidson on the telephone, to find out what he wanted. At about 5 p.m. I sent him the letter of the late N. H. Sankara Ayyar (Tahsildar of Madras) on which the original valuation of Dr. Subrahmanya Ayyar's land (which I believe is what you refer to) was based. I also sent him a letter of the present Tahsildar Krishnaswami Ayyar, who thinks that Sankara Ayyar's valuation was much too high. I also sent two plans showing all the fields mentioned in the two letters. Each of the two Tahsildars of course quotes previous transactions in support of his valuation, though neither of them exactly emulates Mr. Tanikachellam with his 'volume'. Of course, it is perfectly easy to bandy 'previous transactions' in a case of this sort. It is extremely difficult to make a valid comparison between two sales, and to be quite sure that you have left no essential factor out of account. I think that transactions relating to land on Lloyd's Road would by no means necessarily be a safe guide in judging the value of this land, because the position of this land is quite unique. It is a compact block, at the junction of two roads, one of which is the Marina, and there is very little private land with a frontage on the Marina. There is no private land except this between Lloyd's Road, Edward Eliot's Road, the Buckingham Canal, and the Marina. Hence to compare its value with that of a plot of land quite a short distance inland and otherwise similar (especially if it is on the other side of the canal) is, in my opinion, quite likely to be misleading. Consequently (though I think it possible that the original valuation is a bit high—for one thing the prices of land show a tendency to fall I think) I by no means pin my faith to the new valuation, and intended to communicate it to the Land Acquisition Officer and to discuss it with him. You perhaps do not know that (I believe) the acquisition under the Act has not been sanctioned yet. There has been great delay and muddle over this affair, and I venture to prefer the regular procedure under the Act to these private negotiations. First, Grieve negotiated with Subrahmanya Ayyar for three lakhs. Then I pointed out that Government had only bought two fields while they thought they were buying three. Then further prolonged negotiations ensued and it was decided to acquire under the Act as the owners made impossible demands in

I raised this point before and understand that Government are advised otherwise.

A.R.E.T.

fields for three lakhs, but I may be wrong). Then it was decided to give another piece of land in Greenway's Road in exchange for the third field. Now the Government Solicitor thinks the title to the third field is dicky (it is in fact disputed), and I have recommended acquisition. What the legal position is by now I cannot imagine. There is not the faintest doubt to my mind that whatever Government intended, what Grieve arranged to buy was the two fields, and I do not quite see how Government can get out of that. Moreover, though the title to the third field is dicky, apparently Sankara Ayyar or whoever it is has promised to indemnify Government against any defect in title. So that it is not quite clear how Government can now repudiate the whole thing, or how the Council can refuse them funds to carry out a contract which could I presume be enforced in a Civil Court. If we could get rid of the whole private arrangement and acquire under the Act the land could be acquired in three weeks as it is a very simple case, and possibly it could be got a good deal cheaper.

Perhaps you would show this to Davidson, as it to some extent supplements what I wrote to him.

From Mr. M. S. Ramaswami Ayyar, dated 9th April 1921, and Mr. M. S. Sankara Ayyar.

From Mr. M. S. Ramaswami Ayyar, dated April 1921.

Messrs. M. S. Ramaswami Ayyar and M. S. Sankara Ayyar request that orders may now issue for the payment of the three lakhs the amount already settled upon in G.O. No. 297, dated 1st March 1921, and desire to know to whom the bungalows should be handed over. In the circumstances stated in the Collector's letter and in view of the statement at A on page 2 ante, it is for orders whether the draft declaration on page 12 of notes to Government Order ibid may now be published in the Gazette and the properties acquired under the Land Acquisition Act. If so, the payment will be made in due course by the Land Acquisition Officer and the properties will be taken possession of in the usual way.

2. Mr. Ramaswami Ayyar's request will be noted and communicated to the Collector for information.

A.S.—12-4-21.

3. In this connexion attention is solicited to the discussion in the Legislative Council on the motion for the deletion of the budget provision of three lakhs for the acquisition of lands and houses for the Queen Mary's College. At the close of the discussion the Hon'ble Sir Lionel Davidson said that he would examine the question of the legal obligations and binding nature of the contract, that the Government could not possibly get over the moral obligation on their part and that he believed that the application of the Land Acquisition Act would in any case be necessary in consequence of the doubt that there was as to the title to the property.

T.K.—12-4-21.

C. RAMANUJA ACHARIYAR—12-4-21.

We have already decided to acquire the lands. The draft declaration may be published and subsequent steps taken.

2. Regarding the market value to be awarded by the Land Acquisition Officer, the parties will let in evidence. Generally speaking, an offer is not conclusive evidence of market value. If, in this case, it be legally so, the Land Acquisition Officer will award accordingly. We cannot get over a legal obligation.

3. If the Land Acquisition Officer awards less, the matter may be then reviewed if further action be necessary in view of C-1's speech.

R. RAMACHANDRA RAO—13-4-21.

I would like to examine the whole case. All connected records may be put up.

A. S[UBBARAYULU REDDIYAR]—15-4-21.

All the papers on the subject in this department are put up.

A.S.—18-4-21.

T.K.—18-4-21.

C.R.—18-4-21.

I have read the whole of the case bearing upon Queen Mary's College extension. I have no doubt in my mind that the valuation fixed for it is truly excessive. The only question now interesting the public mind is if the Government after repeated Government Orders and after repeated action taken on the strength of the Government Orders can get out of the transaction. With eyes perfectly wide open, the Director of Public Instruction, backed by the Principal of the Queen Mary's College, expressed it as his opinion on 11th February 1921 that if only Dr. Subrahmanya Ayyar can be persuaded to part with his three plots, namely, 1014, 1015 and 1016, the requirements of Government would be thoroughly met, in that their three important institutions, namely, the Queen Mary's College, Training College for Women, and the Medical College for Women, would be located in a convenient, important and healthy centre—cf. u.o. note on page 12 of notes to G.O. No. 386, dated 16th March 1921. It seems to me after that conduct of the Director of Public Instruction, in connexion with this subject, the ground was materially given away by Government regarding the valuation of the property. Other circumstances might be cited against the acquisition on the ground of inordinately enhanced valuation, but the true question is whether the Government with

its multifarious advisors, all of them professional, would be justified in objecting to the valuation morally. It seems to me that all things considered, the Government should accept the transaction as binding on them, most certainly morally, and, as I said before, legally also.

As the matter, however, has created a sensation among the public and may not be free from legal complications, I would prefer that the whole matter is placed before the Advocate-General for his opinion and advice on the following points:—

(1) whether there has been a legally binding contract in regard to the land in question between the Government and Dr. Subrahmanya Ayyar and his representatives;

(2) whether the title to the property is good and clear; and

(3) whether by the Land Acquisition Act the title to the land could be perfected, and, if so, whether the valuation of the land should be arrived at by the process fixed under the Act or could be arrived at by the agreement in force and above referred to.

A. S[UBBARAYULU REDDIYAR]—11-5-21.

I have no objection to the proposed reference but I hope that a *very early* reply will be requested. It is already over six weeks since the debate in the Legislative Council.

2. Point (1) is the main issue. As to point (2) it is, I think, clear that the title is not altogether free from doubt; but there is no harm in getting the considered opinion of the Advocate-General (not that his opinion on this or any other point in issue is likely to convince the main opponents of the transactions).

3. As to point (3) proceedings under the Land Acquisition Act will unquestionably cure any defects in title, but it may be helpful to have the Advocate-General's opinion whether we are not bound to instruct the Land Acquisition Officer to propose an award of the amount mentioned in the negotiations of last year. Personally I think there is a moral obligation to do so and I look upon proceedings under the Act as designed merely to protect Government against defective title and not to vary our agreement with the owners. If I am right in the view that a moral obligation has been incurred, we cannot properly disregard or repudiate it.

L. D[AVIDSON]—14-5-21.

The notes ought *not* to go; I agree that all correspondence with Sir S. Ayyar

Urgent. and his representatives should be sent:
R.R.—15-5-21. also any record of oral negotiations with them.

L. D[AVIDSON]—14-5-21.

A draft official memorandum is submitted. The correspondence to be sent to the Advocate-General is mentioned in the official memorandum and is for orders.

C.V.V.—16-5-21.

Issue.

R. RAMACHANDRA RAO—16-5-21.

[Memorandum to the Government Solicitor, No. 1471/B-1, dated 17th May 1921.]

From the Government Solicitor, No. 714, dated 2nd June 1921.

The Advocate-General's opinion is submitted for perusal and orders. It would appear necessary to issue modified orders directing the acquisition of the properties under the Land Acquisition Act, subject to the condition that the compensation to be awarded for them under the Act shall be fixed at Rs. 3 lakhs plus the piece of Government land to be offered in addition.

If the above is approved it would seem necessary to consult Mr. Sankara Ayyar, before issuing orders—vide portion K of notes on page 1 ante.

C.V.V.—6-6-21.

The Advocate-General has answered the queries.

2. Please see G.O. No. 297, dated 1st March 1921. What we have to do now is to direct acquisition under the Act and instruct the Land Acquisition Officer as to the terms arrived at (vide Advocate-General's opinion).

3. Mr. Sankara Ayyar may be informed of our decision to apply the Act owing to non-proof of the title.

R. RAMACHANDRA RAO—6-6-21.

I prefer to agree with the view of Sir L. Davidson regarding moral obligation. The Land Acquisition Officer may be instructed according to the Secretary's suggestion.

A. S[UBBARAYULU REDDIYAR]—8-6-21.

There is also a legal obligation as it now appears. Acquisition proceedings under the Act should now go forward at once, the Collector being furnished with copies of the reference to the Advocate-General and his opinion and instructed to see that the award follows the opinion.

I presume that all that is requisite is to publish the draft declaration at page 12 of the notes to G.O. No. 297, dated 1st March 1921. I should be disposed also to add the usual citation of section 17 of the Land Acquisition Act so as to facilitate transfer of possession, though of course section 17 will not cover the buildings as well as "waste or arable land." "Revenue" will be able to advise as to this. Secretary should send the draft order over to Mr. Lloyd for acceptance and adopt his advice on this point.

I at least do not wish to see the case again. Further circulation is unnecessary, I think.

L.D.—12-6-21.

L. D[AVIDSON]—12-6-21.

I should be inclined to lay the order on the Editors' Table and to include in it a brief reference to the debate in Council, e.g.—

"With reference to the debate on the 31st March 1921 on the series of resolutions relative to the budget provision of three lakhs for the acquisition of land for the extension of Queen Mary's College, Madras, the Government have taken legal opinion on the record of the negotiations for the purchase of the property in issue, and are advised that there is a legally binding contract to give effect to the settlement thus arrived at and that it is expedient to perfect the title to the property by applying the provisions of the Land Acquisition Act, 1894. The following notification will accordingly be published in the *Fort St. George Gazette* and the Collector will be instructed to arrange that the award shall be passed in accordance with the contract.

L. D[AVIDSON]—12-6-21.

A draft demi-official to the Collector of Madras with reference to A of C 1's note ante and another to Mr. Sankara Ayyar with reference to paragraph 3 of the Secretary's note above are submitted.

2. A draft order is also submitted. After the demi-officials are issued, the case may be sent un-officially to the Revenue Department for acceptance and for advice as to the addition to be made to it with reference to B of C 1's note ante.

Demi-official—from M.R.Ry. Diwan Bahadur R. RAMACHANDRA RAO Avargal, Secretary to Government, Law (Education) Department.

To—A. R. L. TOTTENHAM, Esq., I.C.S., Collector of Madras.

Dated—the 20th June 1921.

No.—1471/B-2.

Please refer to the correspondence ending with your official letter No. A-1-961-20, dated 12th March 1921, regarding acquisition of certain lands and buildings for the Queen Mary's College for Women, Madras. The Government have consulted the Advocate-General in the matter and he has advised that it is expedient to perfect the title to the property by the application of the provisions of the Land Acquisition Act, 1894. I am to enclose for your information copies of the reference to the Advocate-General and his opinion thereon and to instruct you to proceed ahead with the acquisition proceedings and to see that the award follows the Advocate-General's opinion. Formal orders of Government will issue shortly.

I am directed to ask you to have the acquisition completed at an early date.

Demi-official—from M.R.Ry. Diwan Bahadur R. RAMACHANDRA RAO AVARGAL,
Secretary to Government, Law (Education) Department.
To—M.R.Ry. M. S. SANKARA AYYAR AVARGAL, Beach House, Mylapore.
Dated—the 20th June 1921. No.—1471/B-3.

Please refer to G.O. No. 297, Law (Education), dated 1st March 1921, regarding the acquisition of certain properties for the Queen Mary's College. The Government understand that the title to these properties has not been well established and have been advised that it is expedient to perfect it by the application of the provisions of the Land Acquisition Act. They have accordingly decided to take acquisition proceedings under the Act and have instructed the Land Acquisition Officer to see that the award shall be passed in accordance with the contract already entered into.

There is no purpose in issuing the demi-officials in advance; they may issue along with the Government Order.

The Government Order is for acceptance.

R. RAMACHANDRA RAO—16-6-21.

REVENUE DEPARTMENT.

Please see **B** and **C** at page 5 supra. If, as I assume, the only waste and arable land is that attached to the bungalow compound, I doubt very much whether section 17 of Act I of 1894 would apply. There is little advantage in the protection given under the Act to buildings, if the Act allows you to take immediate possession of all the land surrounding them.

2. We have been asked merely to accept the Government Order.

J. B. BROWN—16-6-21.

The Government Order accepted as it stands. I agree with the Under Secretary that land cannot be considered waste or arable if it is included in the compound of a bungalow. Section 17 of the Act obviously cannot apply to R.S. Nos. 1014 and 1015-2/B-2. If R.S. No. 1016 is an entirely separate property and is genuinely waste containing no buildings of any sort, section 17 could be applied to it if desired, but I should doubt at once if it is necessary. Acquisition will presumably not take long and it would seem better to go through the ordinary formalities before taking possession of any part of the property.

If section 17 is not applied the Collector cannot take possession under the Act, until he has made his award under section 11 (see section 16). But of course if the parties consent to give possession at once there is no objection to occupying before-hand; only in this case it will not be possession under the Act and an agreement should be taken from the party not to charge interest to which they would otherwise be entitled from the date of occupation.

E. S. LLOYD—17-6-21.

LAW (EDUCATION) DEPARTMENT.

The draft, as it stands, has been accepted by Revenue and may now issue.
C.V.V.—17-6-21.

Issue.

R.R.—17-6-21.

[G.O. No. 930, Law (Education), dated 23rd June 1921.]

Acquisition of land. Law (EDU) DEPARTMENT.
Queen Mary's College for Women, Madras.
Properties adjoining Queen Mary's
the college for women — Application under
Land Acquisition Act — directed

READ AGAIN G.O. No. _____, dated I _____ 192

" " " " 659 ar. " " " " 4 - 6 - 20 (F) 192

READ ALSO: " 297 " " " " 1 - 3 - 21 (G)

C. No. _____, From the coll. of materials, No. A-1, dated 12-3-1921

" " " " " " " " 961-20
" " " " " " " " 1471 B-1, 19-5-1921

" " " " " " " " 714 " 2-6-1921
" " 94 Camp " From do. " " " " 714 " 2-6-1921

ORDER.

Pres

No. 930, dated 20-6-1921

With reference to the debate in the Legislative Council on the 31st March 1921, on the series of Resolutions relative to the Budget provision of Rs 3 lakhs for the acquisition of ^{the} ~~lands~~ ^{and buildings required} for the extension of ^{the} ~~Queen Mary's College for Women,~~ Madras, the Government have taken legal opinion on the record of the negotiations for the purchase of the properties in issue and are advised that there is a legally binding contract to give effect to the settlement thus arrived at and that it is expedient to perfect the title to the property by applying the provisions

of the Land Acquisition Act 1894. In parts modification of para. 2 of G.O. No. 297 Home Dept. dated 1st March 1921, the Govt have

2
therefor decided to take acquisition proceedings under the Act.

The following notification will accordingly

be published in the Fort St. George Gazette

and the Collector of Madras will be

instructed to arrange that the award shall

be passed in accordance with the contract:—

Notification

FORM OF DRAFT DECLARATION.

the Govt.

Under Section 6, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring cawnies 2 ground 1 square feet 1,732, be the same a little more or less, is needed for a public purpose, to wit, for the extension of the Queen Mary's College for Women, and, under sections 3 and 7 of the same Act, the Deputy Collector (General duty) and Collector of Income-tax, Madras, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land. A plan of the land is kept in the office of the Deputy Collector (General duty) and Collector of Income-tax, Madras, and may be inspected at any time during office hours:—

Madras district, Madras taluk, Mylapore village.

Description of land, wet or dry, inam or pottah, with Survey or Pottah number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Dry, R.S. No. 1014	Dr. S. Subrahmanya Ayyar	North, R.S. No. 1015-2/B-2 and 1015-2/B-1; east, R.S. No. 989; south, R.S. No. 1013; west, R.S. No. 1015-1.	0 17 20
Dry, R.S. No. 1015-2 B-2	M. S. Subrahmanya Ayyar, M. S. Sankara Ayyar and M. S. Anantanarayana Ayyar.	North, R.S. No. 1015-2/B-3; east, R.S. Nos. 1015-2/B-3 and 1015-2/B-1; south, R.S. No. 1014; west, R.S. No. 1015-2/B-3.	0 18 318
Dry, R.S. No. 1015	M. S. Subrahmanya Ayyar, M. S. Sankara Ayyar and M. S. Anantanarayana Ayyar and M. Venkatesami Pillai claiming ownership as the grandson of the registered holder.	North, R.S. No. 1015-2 B-3; east, R.S. No. 1015-1, south, R.S. No. 1013; west, R.S. No. 1018.	0 14 1,494
Total ..			2 1 1,732

*Q compound
exp. 6/2/21
no defect in
title*

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14.6.21

15/6/21

16/6/21

DESPATCHED
21 JUN 1921

the con. n. Madras

D.P.O.

Revenue Dept.

Finance Dept.

P.W.D. (Public Works)

S.G. P. (Sanitary)

M.R. Ry. M.S.

Sankara Ayyar, B.

House, Mylapore

copy to M.R. Ry. M.S.

Ramawami Ayyar, B.

House, Mylapore

7-17/21

E.T.

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G.O. No. 930, 20th June 1921

Queen Mary's College for Women, Madras

Properties adjoining—Application of the Land Acquisition Act, directed

Read—the following papers:—

I

G.O. No. 659, Home (Education), dated the 4th June 1920.

ABSTRACT.—Acquisition of land—Houses adjoining the Queen Mary's College for Women, Madras and belonging to Sir S. Subrahmanya Ayyar—Private purchase—Rs. 3 lakhs—Sanctioned.

II

G.O. No. 297, Home (Education), dated the 1st March 1921.

ABSTRACT.—Acquisition of land—Properties adjoining Queen Mary's College for Women—Private purchase at Rs. 3 lakhs under certain conditions—Approved in modification of G.O. No. 659, dated 4th June 1920.

III

Letter—from A. R. L. TOTTENHAM, Esq., M.A., I.O.S., Collector of Madras.

To—the Secretary to Government, Home (Education) Department.

Dated—the 12th March 1921.

No.—A-1/961-20.

[Land Acquisition—Mylapore—R.S. Nos. 1014, 1015-2/B-2 and 1016—Queen Mary's College for Women—G.O. No. 297, Home (Education), dated 1st March 1921.]

The Government Solicitor, Madras, examined some of the title-deeds relating to R.S. Nos. 1014 and 1015-2/B-2, pointed out certain defects and wanted some further information—please see the extracts of paragraphs 2 to 4 of his letter, dated 26th June 1920 appended. In my letter, dated 1st July 1920, I asked Dr. S. Subrahmanya Ayyar to furnish the above information and supply the defects and reminded him subsequently. He has not yet done so. The Government Solicitor has not yet examined the title-deeds for R.S. No. 1016; but he considers that, having regard to all the circumstances of the case and seeing that the defects he has pointed out have not been cleared up, it would be safer to acquire the lands under the Land Acquisition Act.

I accordingly recommend that orders may be issued for the acquisition of the lands under the Land Acquisition Act and that the draft notification sent with my demi-official A-1/961-20, dated 25th January 1921, may be published in the Fort St. George Gazette.

ENCLOSURE.

Extracts of Government Solicitor's letter.

The properties intended to be purchased bear S. Nos. 1014 and 1015-2/B-2. The land bearing S. No. 1014 stands in the name of Dr. S. Subrahmanya Ayyar and the land bearing S. No. 1015-2/B-2 stands in the name of Mr. M. S. Sankara Ayyar.

Dr. S. Subrahmanya Ayyar's house.—It will appear from the documents sent that on 26th September 1901 Dr. S. Subrahmanya Ayyar purchased the same from one Mr. Ramasubba Ayyar. This document must be sent for my perusal. An encumbrance certificate for the last 12 years should also be obtained and sent to me. In 1906 a mortgage was executed in favour of one Mr. K. Lakshmi Narayanan Chetti by Dr. S. Subrahmanya Ayyar. Though this mortgage debt is discharged yet to perfect the title the mortgagee Mr. K. Lakshmi Narayanan Chetti should join in the conveyance with Dr. S. Subrahmanya Ayyar as the mortgage is in English form. Subject to the above I think the title is in order.

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4. *House on S. No. 1015-2/B-2.*—This was allotted to Mr. M. S. Sankara Ayyar by the decree in C.S. No. 44 of 1913. It is described in the decree as free from encumbrances. Mr. M. S. Sankara Ayyar mortgaged the property first on 25th July 1916 and again on 14th December 1916 in favour of Messrs. R. Ganapathy Ayyar and K. Balasubrahmaniam Ayyar respectively. These bear endorsements of discharge. In 1918, M. S. Sankara Ayyar and his two brothers executed a mortgage for Rs. 30,000 in favour of the trustees of Pappi Chetti Raghaviah Chetties' Charities. This mortgage bears an endorsement of discharge on 18th June 1920 but only one (trustee) mortgagee has signed. The other (trustees) mortgagees should sign. The title is traced only from 1913. The prior title should be shown. An encumbrance certificate for the last 12 years should be obtained and sent to me. If there is a Collector's A Form certificate it should be sent to me. It appears from a recital in one of the mortgage deeds that the property is family property. If any of the three vendors has minor sons, then the necessity for the sale should be made out.

IV

Letter—from M.R.Ry. M. S. RAMASWAMI AYYAR AVARGAL, B.A., Deputy Superintendent of Police (on leave) Beach House, Mylapore, Madras,

and

M.R.Ry. M. S. Sankara Ayyar Avargal, Beach House, Mylapore, Madras.

To—the Secretary to Government, Home (Education) Department.

Dated—the 9th April 1921.

With reference to the proceedings of the Government [G.O. No. 297, Home (Education) Department, dated 1st March 1921] we beg to be instructed to whom we should hand over possession of the bungalows on R.S. Nos. 1014 and 1015-2/B-2, purchased by the Government. We beg to add that we are prepared to hand over possession of the bungalows when required to do so. We request also that orders may be issued for the payment of three lakhs the price sanctioned by the Government, as early as possible.

V

Letter—from M.R.Ry. M. S. RAMASWAMI AYYAR AVARGAL, B.A., Deputy Superintendent of Police (on leave), Beach House, Mylapore, Madras.

To—the Secretary to Government, Home (Education) Department.

Dated—the 9th April 1921.

I beg to state that with reference to the purchase by the Government of the bungalows on R.S. Nos. 1014 and 1015-2 B-2 from Dr. S. Subrahmaniam Ayyar and my nephews M. S. Sankara Ayyar and his brothers, I have become entitled to one lakh and thirty thousand rupees out of the price of three lakhs as the share due to me in respect of the bungalow on R.S. No. 1014 by virtue of the two instruments executed in my favour by Dr. S. Subrahmaniam Ayyar on 29th October 1920 and 22nd November 1920 (certified copies of which are enclosed herewith) I request that instructions may be issued that any communications bearing on the matter may be addressed to me in future instead of to Dr. S. Subrahmaniam Ayyar as he is likely to be going to Bangalore.

VI

Official Memorandum No. 1471/B-1, Home (Education), (Confidential) dated 17th May 1921.

The marginally-noted correspondence on the subject of the acquisition of certain lands and buildings adjoining the Queen Mary's College for Women, Madras and belonging to Sir S. Subrahmaniam Ayyar and others, is forwarded to the Advocate-General who is requested to furnish the Government at a very early date with his considered opinion and advice on the following points:—

(i) Whether there has been a legally binding contract in regard to the property in question between the Government and Sir S. Subrahmaniam Ayyar and his representatives;

(ii) whether the title to the property is good and clear; and

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No. 930, LAW (EDUCATION), 20TH JUNE 1921

(iii) whether, by the application of the Land Acquisition Act, the title to the property could be perfected, and if so, whether the value of the property should be arrived at by the process fixed under the Act or whether the Government are bound to instruct the Land Acquisition officer to propose an award of the amount mentioned in the negotiations.

R. RAMACHANDRA RAO,
Secretary to Government.

To the Government Solicitor.

VII

Letter—from HENRY BRIGHTWELL, Esq., Government Solicitor, Madras.
To—the Secretary to Government, Law (Education) Department.
Dated—the 2nd June 1921.
No.—714.

With reference to your Confidential Memorandum No. 1471/B-1, dated the 17th May 1921, I have the honour to send herewith the opinion of the Advocate-General thereon and to return the enclosures sent with your said memorandum.

ENCLOSURE

Opinion.

I have perused the correspondence relating to Sir S. Subrahmanya Ayyar's property which is sought to be acquired for the Queen Mary's College for Women. I have also read the issue of the 'Hindu' containing the proceedings of the Madras Legislative Council and have specially adverted to the speech of Mr. O. Thanikachala Chetti. I may state *in limine* that the title-deeds of the property have not been submitted to me and I take it that the actual investigation of the title has been conducted by the Collector of Madras in consultation with the Government Solicitor as contemplated in G.O. No. 659, Home (Education), dated 4th June 1920.

The various proceedings culminating in G.O. No. 297, dated 1st March 1921, make it abundantly clear that after certain interviews and some modifications in the original proposals and counter proposals, a definite contract was concluded by the Government with Sir S. Subrahmanya Ayyar and certain others, the owners of R.S. Nos. 1014, 1015 and 1016, the contract *inter alia* comprising the following terms:—

(1) that the Government should acquire two houses on R.S. Nos. 1014 and 1015 and also a plot R.S. No. 1016.

(2) that the said properties were to be purchased by Government for a total sum of three lakhs of rupees *plus* an assignment to Sir S. Subrahmanya Ayyar and his grandsons of a piece of Government land equivalent to R.S. No. 1016 in extent which land has been subsequently ascertained and approved of by the other party to the contract.

(3) That the title to the property is to be examined by the Government Solicitor and the contract is to be completed by private negotiations, if possible.

(4) That in case of any doubt about the title Mr. M. S. Sankara Ayyar is to execute a bond indemnifying the Government against any damages which the Government may sustain by reason of any adverse claims.

In view to the circumstances mentioned in the letter addressed by the Collector of Madras to the Secretary to the Government of Madras, dated the 4th March 1921 and the opinion of the Government Solicitor appended to it and the neglect of Sir S. Subrahmanya Ayyar to furnish the information asked for, I concur with the Government Solicitor in thinking that it would be safer to acquire the land under the Land Acquisition Act. I may mention however though with diffidence in the absence of the original title-deeds, that the defect pointed out in regard to R.S. No. 1014 seems to be a comparatively trifling one inasmuch as it ought to be easy for Sir S. Subrahmanya Ayyar to get the attestation of the mortgagee and of Ramasubba Ayyar. It is however to be noticed that as to R.S. No. 1015 the title is traceable only from 1918. In this case the provisions of the Land Acquisition Act have to be requisitioned.

As to R.S. No. 1016 there is no question that the only safe procedure would be under the Acquisition Act having regard to the definite claim put up by M. Venkataswami Pillai. Nothing in the Land Acquisition Act I of 1894 prevents the validity of a contract or arrangement by which a compensation is fixed in respect of land sought to be acquired—vide section 31 (3) and (4) of the Act.

On a careful consideration of the correspondence in the case and the other circumstances connected therewith, my opinion on the points referred to me are as follows:—

(1) There has been a legally binding contract in regard to the property in question between the Government on the one hand and Sir S. Subrahmanya Ayyar and his relations on the other.

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4 No. 930, LAW (EDUCATION), 20TH JUNE 1921

(2) It is impossible for me finally to pronounce an opinion on the validity of the title but judging from the papers before me, I must come to the conclusion that the title to none of the properties at the present moment is good and clear though in regard to the first and second properties the title could easily have been perfected but for the negligence of the vendor.

(3) By the application of the Land Acquisition Act the title to the property can be perfected.

(3-A) The value of the properties having been fixed in the negotiations both by means of correspondence and at personal interviews between those representing Sir S. Subrahmaniam Ayyar on the one hand and those representing the Government on the other, the Government would, in my opinion, be bound to instruct the Land Acquisition officer to propose an award of the amount mentioned in the negotiations.

MADRAS,
2nd June 1921.

C. P. RAMASWAMI AYYAR,
Advocate-General.

Order—No. 930, Law (Education), dated 20th June 1921.

With reference to the debate in the Legislative Council on the 31st March 1921, on the series of resolutions relative to the Budget provision of Rs. 3 lakhs for the acquisition of the lands and buildings required for the extension of the Queen Mary's College for Women, Madras, the Government have taken legal opinion on the record of the negotiations for the purchase of the properties in issue and are advised that there is a legally binding contract to give effect to the settlement thus arrived at and that it is expedient to perfect the title to the properties by applying the provisions of the Land Acquisition Act, 1894. In partial modification of paragraph 2 of G.O. No. 297, Home (Education), dated 1st March 1921, the Government have therefore decided to take acquisition proceedings under the Act. The following notification will accordingly be published in the Fort St. George Gazette and the Collector of Madras will be instructed to arrange that the award shall be passed in accordance with the contract:—

NOTIFICATION.

Form of draft declaration.

Under section 3, Act I of 1894, the Government hereby declare that the land mentioned in the following schedule and measuring aawnies 2, ground 1, square feet 1,732, be the same a little more or less, is needed for a public purpose, to wit, for the extension of the Queen Mary's College for Women; and, under sections 3 and 7 of the same Act, the Deputy Collector (General duty) and Collector of Income-tax, Madras, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land. A plan of the land is kept in the office of the Deputy Collector (General duty) and Collector of Income-tax, Madras, and may be inspected at any time during office hours.

Madras district, Madras taluk, Mylapore village.

	sq. cts. sq. ft.
Dry, R.S. No. 1014, belonging to Dr. S. Subrahmaniam Ayyar, bounded on the north by R.S. Nos. 1015-2 B-2 and 1015-2 B-1; east by R.S. No. 989; south by R.S. No. 1013; west by R.S. No. 1015-1	0 17 20
Dry, R.S. No. 1015-2 B-2, belonging to M. S. Subrahmaniam Ayyar, M. S. Sankara Ayyar and M. S. Anantaramayana Ayyar, bounded on the north by R.S. No. 1015-2 B-3; east by R.S. Nos. 1015-2 B-3 and 1015-2 B-1; south by R.S. No. 1014; west by R.S. No. 1015-2 B-3	0 18 218
Dry, R.S. No. 1018, belonging to M. S. Subrahmaniam Ayyar, M. S. Sankara Ayyar and M. S. Anantaramayana Ayyar and M. Venkataswami Pillai claiming ownership as the grandson of the registered holder, bounded on the north by R.S. No. 1015-2 B-3; east by R.S. No. 1015-1; south by R.S. No. 1013; west by R.S. No. 1018	0 14 1,494
Total	2 1 1,732

(By order of the Government, Ministry of Education.)

R. RAMACHANDRA RAO,
Secretary to Government.

- To the Collector of Madras
- Director of Public Instruction
- Revenue Department
- Finance Department
- Public Works Department
- Superintendent, Government Press, for publication of notification
- Copy to M.R.Ry. M. S. Sankara Ayyar, Beach House, Mylapore
- M.R.Ry. M. S. Ramaswami Ayyar, Beach House, Mylapore
- Editors' Table.

order only.

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CONFIDENTIAL

LAW (EDUCATION) DEPARTMENT.
NOTES CONNECTED WITH G.O. No. 930, LAW (EDUCATION),
DATED 23RD JUNE 1921.

[SUBJECT.—Acquisition of lands.]

From the Collector of Madras, No. A-1-961-20, dated 12th March 1921.

In the circumstances stated by the Collector, it is for orders whether the properties may be acquired under the Land Acquisition Act. It would seem that all the three lands will have to be so acquired. Mr. Sankara Ayyar has to be consulted, as it will be a modification of the arrangement arrived at at his discussion with C-2.

2. The file may be submitted to M-1, and C-2. The latter has asked in another connexion whether any further developments have arisen in the matter. Notice of a resolution has been given to omit this sum from the budget.

C.V.V.—16-3-21. T.K.—17-3-21. C. RAMANUJA ACHARIYAR—17-3-21.

The best thing would be to take a statement from Sir Subrahmanya Ayyar and the others agreeing to take three lakhs and the alternative site of ground in compensation even if the lands be acquired.

2. An objection to acquisition was raised on the last occasion referred to above, but, in view of the difficulty about the title, I do not see how acquisition can be avoided.

R. RAMACHANDRA RAO—18-3-21.

A. S. UBBARAYULU REDDIYAR—22-3-21.

Enclosures.

Demi-official—from the Hon'ble Sir LIONEL DAVIDSON, K.C.S.I., I.C.S., Member of Council.

To—A. R. L. TOTTENHAM, Esq., I.C.S., Collector of Madras.

Dated—Adyar, the 9th April 1921.

I return with thanks the enclosures to your demi-official No. A-1-961-20, dated 27th March 1921.

To Home Secretary u.o., together with Mr. Tottenham's letter to me and another letter from the same officer to Mr. Todhunter. These papers should be treated as confidential and may be required in connexion with the final disposal of the acquisition case.

L. D. DAVIDSON—9-4-21.

Demi-official—from A. R. L. TOTTENHAM, Esq., I.C.S., Collector of Madras.

To—the Hon'ble Sir LIONEL DAVIDSON, K.C.S.I., I.C.S., Member of Council.

Dated—the 27th March 1921.

No.—A-1-961-20.

[Land acquisition—Mylapore R. S. No. 1014, etc.—Queen Mary's College for Women—(Our telephone conversation).]

I now enclose in original the letter from the late N. H. Sankara Ayyar, dated 9th March 1920, on which the original valuation of the land was based, and a letter, dated 13th December 1920, from the present Tahsildar, in which he gives reasons for thinking that the valuation by Sankara Ayyar is much too high. I also enclose two plans showing all the fields on which the two valuations were based. I think that the correct valuation is probably somewhere between

the two valuations. It is extremely difficult to compare the values of different pieces of land. The lands under consideration have an unique situation on the sea front and at the junction of two roads, and lands quite a short way off inland might be much lower in value. This is why when I sent up the notification for acquisition (my demi-official, dated 25th January 1921, to Ramachandra Rao) I did not think it necessary to say anything about the original valuation having possibly been excessive. I noted simply that the Tahsildar's report should be specially brought to the notice of the Acquisition Officer. Please return all these papers when you have done with them. The value of the buildings is Rs. 51,626, and of the land according to Sankara Ayyar Rs. 2,16,437-4-0 (total including 15 per cent Rs. 3,08,272-11-9), and according to the present Tahsildar Rs. 99,443-5-4 (total including 15 per cent Rs. 1,73,729-11-9). Of course, I have not the least idea what the Land Acquisition Officer after full enquiry might award, or what a Court might award, if a reference to Court were demanded. These preliminary valuations are very liable to err.

P.S.—I haven't given the history of the case as I suppose that's in your file.

Demi-official—from A. R. L. TOTTENHAM, Esq., I.C.S., Collector of Madras.
To—the Hon'ble Mr. C. G. TUDHUR, C.S.I., I.C.S., Member of Council.
Dated—the 28th March 1921.
No.—A-1-961-20.

[Land acquisition—Mylapore R. S. No. 1014, etc.—Queen Mary's College for Women
—Your demi-official of 26th which reached me at about noon yesterday.]

As soon as I got your demi-official I talked to Davidson on the telephone, to find out what he wanted. At about 5 p.m. I sent him the letter of the late N. H. Sankara Ayyar (Tahsildar of Madras) on which the original valuation of Dr. Subrahmanya Ayyar's land (which I believe is what you refer to) was based. I also sent him a letter of the present Tahsildar Krishnaswami Ayyar, who thinks that Sankara Ayyar's valuation was much too high. I also sent two plans showing all the fields mentioned in the two letters. Each of the two Tahsildars of course quotes previous transactions in support of his valuation, though neither of them exactly emulates Mr. Tanikachellam with his 'volume'. Of course, it is perfectly easy to bandy 'previous transactions' in a case of this sort. It is extremely difficult to make a valid comparison between two sales, and to be quite sure that you have left no essential factor out of account. I think that transactions relating to land on Lloyd's Road would by no means necessarily be a safe guide in judging the value of this land, because the position of this land is quite unique. It is a compact block, at the junction of two roads, one of which is the Marina, and there is very little private land with a frontage on the Marina. There is no private land except this between Lloyd's Road, Edward Eliot's Road, the Buckingham Canal, and the Marina. Hence to compare its value with that of a plot of land quite a short distance inland and otherwise similar (especially if it is on the other side of the canal) is, in my opinion, quite likely to be misleading. Consequently (though I think it possible that the original valuation is a bit high—for one thing the prices of land show a tendency to fall I think) I by no means pin my faith to the new valuation, and intended to communicate it to the Land Acquisition Officer and to discuss it with him. You perhaps do not know that (I believe) the acquisition under the Act has not been sanctioned yet. There has been great delay and muddle over this affair, and I venture to prefer the regular procedure under the Act to these private negotiations. First, Grieve negotiated with Subrahmanya Ayyar for three lakhs. Then I pointed out that Government had only bought two fields while they thought they were buying three. Then further prolonged negotiations ensued and it was decided to acquire under the Act as the owners made impossible demands in regard to the third field (in my humble opinion there was already a valid contract and Government were—and are—bound to buy the two fields for three lakhs, but I may be wrong). Then it was decided to give another piece of land in Greenway's Road in exchange for the third field. Now the Government Solicitor thinks the title to the third field is dicky (it is in fact disputed), and I have recommended acquisition. What the legal position is by now I cannot imagine. There is not the faintest doubt to my mind that whatever Government intended, what Grieve arranged to buy was the two fields, and I do not quite see how Government can get out of that. Moreover, though the title to the third field is dicky, apparently Sankara Ayyar or whoever it is has promised to indemnify Government against any defect in title. So that it is not quite clear how Government can now repudiate the whole thing, or how the Council can refuse them funds to carry out a contract which could I presume be enforced in a Civil Court. If we could get rid of the whole private arrangement and acquire

under the Act the land could be acquired in three weeks as it is a very simple case, and possibly it could be got a good deal cheaper.

Perhaps you would show this to Davidson, as it to some extent supplements what I wrote to him.

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NOTES TO G.O. No. 930, LAW (EDUCATION), 23RD JUNE 1921
From Mr. M. S. Ramaswami Ayyar, dated 9th April 1921, and Mr. M. S. Sankara Ayyar.

From Mr. M. S. Ramaswami Ayyar, dated 14 1921.

Messrs. M. S. Ramaswami Ayyar and M. S. Sankara Ayyar request that orders may now issue for the payment of the three lakhs the amount already settled upon in G.O. No. 297, dated 1st March 1921, and desire to know to whom the bungalows should be handed over. In the circumstances stated in the Collector's letter on pages 2-4 current file and in view of the statement at A page 1 ante it is for orders whether the draft declaration on page 12 of notes to Government Order ibid may now be published in the Gazette and the properties acquired under the Land Acquisition Act. If so, the payment will be made in due course by the Land Acquisition Officer and the properties will be taken possession of in the usual way.

2. Mr. Ramaswami Ayyar's request on page 6 current file will be noted and communicated to the Collector for information.

A.S.—12-4-21.

3. In this connexion attention is solicited to the discussion in the Legislative Council on the motion for the deletion of the budget provision of three lakhs for the acquisition of lands and houses for the Queen Mary's College. At the close of the discussion the Hon'ble Sir Lionel Davidson said that he would examine the question of the legal obligations and binding nature of the contract, that the Government could not possibly get over the moral obligation on their part and that he believed that the application of the Land Acquisition Act would in any case be necessary in consequence of the doubt that there was as to the title to the property.

T.K.—12-4-21.

C. RAMANUJA ACHARIYAR—12-4-21.

We have already decided to acquire the lands. The draft declaration may be published and subsequent steps taken.

2. Regarding the market value to be awarded by the Land Acquisition Officer, the parties will let in evidence. Generally speaking, an offer is not conclusive evidence of market value. If, in this case, it be legally so, the Land Acquisition Officer will award accordingly. We cannot get over a legal obligation.

3. If the Land Acquisition Officer awards less, the matter may be then reviewed if further action be necessary in view of C-1's speech.

R. RAMACHANDRA RAO—13-4-21.

I would like to examine the whole case. All connected records may be put up.

A. S[UBBARAYULU REDDIYAR]—15-4-21.

All the papers on the subject in this department are put up below.

A.S.—18-4-21.

T.K.—18-4-21.

C.R.—18-4-21.

I have read the whole of the case bearing upon Queen Mary's College Extension. I have no doubt in my mind that the valuation fixed for it is truly excessive. The only question now interesting the public mind is if the Government after repeated Government Orders and after repeated action taken on the strength of the Government Orders can get out of the transaction. With eyes perfectly wide open, the Director of Public Instruction, backed by the Principal of the Queen Mary's College, expressed it as his opinion on 11th February 1921 that if only Dr. Subrahmanya Ayyar can be persuaded to part with his three plots, namely, 1014, 1015 and 1016, the requirements of Government would be thoroughly met, in that their three important institutions, namely, the Queen Mary's College, Training College for Women, and the Medical College for Women, would be located in a convenient, important and healthy centre—cf. u.o. note on page 12 of notes to G.O. No. 386, dated 16th March 1921. It seems to me after that conduct of the Director of Public Instruction, in connexion with this subject, the ground was materially given away by Government regarding the valuation of the property. Other circumstances might be cited against the acquisition on the ground of inordinately enhanced valuation, but the true question is whether the Government with

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4 NOTES TO G.O. No. 930, LAW (EDUCATION), 23RD JUNE 1921

its multifarious advisors, all of them professional, would be justified in objecting to the valuation morally. It seems to me that all things considered, the Government should accept the transaction as binding on them, most certainly morally, and, as I said before, legally also.

As the matter, however, has created a sensation among the public and may not be free from legal complications, I would prefer that the whole matter is placed before the Advocate-General for his opinion and advice on the following points:—

(1) Whether there has been a legally binding contract in regard to the land in question between the Government and Dr. Subrahmanya Ayyar and his representatives;

(2) whether the title to the property is good and clear; and

(3) whether by the Land Acquisition Act the title to the land could be perfected, and, if so, whether the valuation of the land should be arrived at by the process fixed under the Act or could be arrived at by the agreement in force and above referred to.

A. S[UBHARAYULU REDDIYAR]—11-5-21.

I have no objection to the proposed reference but I hope that a *very early* reply will be requested. It is already over six weeks since the debate in the Legislative Council.

2. Point (1) is the main issue. As to point (2) it is, I think, clear that the title is not altogether free from doubt; but there is no harm in getting the considered opinion of the Advocate-General (not that his opinion on this or any other point in issue is likely to convince the main opponents of the transactions).

3. As to point (3) proceedings under the Land Acquisition Act will unquestionably cure any defects in title, but it may be helpful to have the Advocate-General's opinion whether we are not bound to instruct the Land Acquisition Officer to propose an award of the amount mentioned in the negotiations of last year. Personally I think there is a moral obligation to do so and I look upon proceedings under the Act as designed merely to protect Government against defective title and not to vary our agreement with the owners. If I am right in the view that a moral obligation has been incurred, we cannot properly disregard or repudiate it.

L. D[AVIDSON]—14-5-21.

The notes ought *not* to go; I agree that all correspondence with Sir S. Ayyar and his representatives should be sent: Urgent. R.R.—15-5-21. also any record of oral negotiations with them.

L. D[AVIDSON]—14-5-21.

A draft official memorandum is submitted. The correspondence to be sent to the Advocate-General is mentioned in the official memorandum and is for orders.

C.V.V.—16-5-21.

Issue.

R. RAMACHANDRA RAO—16-5-21.

[Memorandum to the Government Solicitor, No. 1471/B-1, dated 17th May 1921.]

From the Government Solicitor, No. 714, dated 2nd June 1921.

The Advocate-General's opinion on pages 22-26, current file/ is submitted for perusal and orders. It would appear necessary to issue modified orders directing the acquisition of the properties under the Land Acquisition Act, subject to the condition that the compensation to be awarded for them under the Act shall be fixed at Rs. 3 lakhs plus the piece of Government land to be offered in addition.

If the above is approved it would seem necessary to consult Mr. Sankara Ayyar, before issuing orders—vide portion K of notes on page 1 ante.

C.V.V.—6-6-21.

The Advocate-General has answered the queries.

2. Please see G.O. No. 297, dated 1st March 1921. What we have to do now is to direct acquisition under the Act and instruct the Land Acquisition Officer as to the terms arrived at (vide Advocate-General's opinion).

3. Mr. Sankara Ayyar may be informed of our decision to apply the Act owing to non-proof of the title.

R. RAMACHANDRA RAO—6-6-21.

M.Y.

I prefer to agree with the view of Sir L. Davidson regarding moral obligation. The Land Acquisition Officer may be instructed according to the Secretary's suggestion.

C.Y.

A S[UBBARAYULU REDDIYAR]—8-6-21.

There is also a legal obligation, as it now appears, acquisition proceedings under the Act should now go forward at once, the Collector being furnished with copies of the reference to the Advocate-General and his opinion and instructed to see that the award follows the opinion.

I presume that all that is requisite is to publish the draft declaration at page 12 of the notes to G.O. No. 297, dated 1st March 1921. I should be disposed also to

add the usual citation of section 17 of the Land Acquisition Act so as to facilitate transfer of possession, though of course section 17 will not cover the buildings as well as "waste or arable land." "Revenue" will be able to advise as to this. Secretary should send the draft order over to Mr. Lloyd for acceptance and adopt his advice on this point.

I at least do not wish to see the case again.

L.D.—12-6-21.

Further circulation is unnecessary, I think.

L. D[AVIDSON]—12-6-21.

I should be inclined to lay the order on the Editors' Table and to include in it a brief reference to the debate in Council, e.g.—

"With reference to the debate on the 31st March 1921 on the series of resolutions relative to the budget provision of three lakhs for the acquisition of land for the extension of Queen Mary's College, Madras, the Government have taken legal opinion on the record of the negotiations for the purchase of the property in issue, are advised that there is a legally binding contract to give effect to the settlement thus arrived at and that it is expedient to perfect the title to the property by applying the provisions of the Land Acquisition Act, 1894. The following notification will accordingly be published in the *Fort St. George Gazette* and the Collector will be instructed to arrange that the award shall be passed in accordance with the contract.

L. D[AVIDSON]—12-6-21.

A draft demi-official to the Collector of Madras with reference to A of C 1's note ante and another to Mr. Sankara Ayyar with reference to paragraph 3 of the Secretary's note on the same page are submitted.

2. A draft order is also submitted. After the demi-officials are issued, the case may be sent un-official to the Revenue Department for acceptance and for advice as to the addition to be made to it with reference to B of C 1's note ante.

Demi-official—from M.R.Ry. Diwan Bahadur R. RAMACHANDRA RAO Avargal, Secretary to Government, Law (Education) Department.

To—A. R. L. TOTTENHAM, Esq., I.C.S., Collector of Madras.

Dated—the 20th June 1921.

No.—1471/B-2.

Please refer to the correspondence ending with your official letter No. A-1-961-20, dated 12th March 1921, regarding acquisition of certain lands and buildings for the Queen Mary's College for Women, Madras. The Government have consulted the Advocate-General in the matter and he has advised that it is expedient to perfect the title to the property by the application of the provisions of the Land Acquisition Act, 1894. I am to enclose for your information copies of the reference to the Advocate-General and his opinion thereon and to instruct you to proceed ahead with the acquisition proceedings and to see that the award follows the Advocate-General's opinion. Formal orders of Government will issue shortly.

I am directed to ask you to have the acquisition completed at an early date.

6 NOTES TO G.O. No. 930, LAW (EDUCATION), 23RD JUNE 1921

Demi-official—from M.R.Ry. Diwan Bahadur R. RAMACHANDRA RAO Avargal,
Secretary to Government, Law (Education) Department.

To—M.R.Ry. M. S. SANKARA AYYAR Avargal, Beach House, Mylapore.

Dated—the 20th June 1921. No.—1471/B-3.

Please refer to G.O. No. 297, Law (Education), dated 1st March 1921, regarding the acquisition of certain properties for the Queen Mary's College. The Government understand that the title to these properties has not been well established and have been advised that it is expedient to perfect it by the application of the provisions of the Land Acquisition Act. They have accordingly decided to take acquisition proceedings under the Act and have instructed the Land Acquisition Officer to see that the award shall be passed in accordance with the contract already entered into.

There is no purpose in issuing the demi-officials in advance; they may issue along with the Government Order.

The Government Order is for acceptance.

R. RAMACHANDRA RAO—16-6-21.

REVENUE DEPARTMENT.

Please see B at page 5 supra and C., at same page. If, as I assume, the only waste and arable land is that attached to the bungalow compound, I doubt very much whether section 17 of Act I of 1894 would apply. There is little advantage in the protection given under the Act to buildings if the Act allows you to take immediate possession of all the land surrounding them.

2. We have been asked merely to accept the Government Order.

J. B. BROWN—16-6-21.

The Government Order accepted as it stands. I agree with the Under Secretary that land cannot be considered waste or arable if it is included in the compound of a bungalow. Section 17 of the Act obviously cannot apply to R.S. Nos. 1014 and 1015-2/B-2. If R.S. No. 1016 is an entirely separate property and is genuinely waste containing no buildings of any sort, section 17 could be applied to it if desired, but I should doubt at once if it is necessary. Acquisition will presumably not take long and it would seem better to go through the ordinary formalities before taking possession of any part of the property.

If section 17 is not applied the Collector cannot take possession under the Act, until he has made his award under section 11 (see section 16). But of course if the parties consent to give possession at once there is no objection to occupying beforehand; only in this case it will not be possession under the Act and an agreement should be taken from the party not to charge interest to which they would otherwise be entitled from the date of occupation.

E. S. LLOYD—17-6-21.

LAW (EDUCATION) DEPARTMENT.

The draft, as it stands, has been accepted by Revenue and may now issue.
C.V.V.—17-6-21.

Issue.

R.R.—17-6-21.

[G.O. No. 930, Law (Education), dated 23rd June 1921.]

PRESS SLIP.

12

ORDINARY.

PREFERENCE.

URGENT.

Scott. II-28-1-17.

Law Dept.

DEPARTMENT.

18

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23 JUN 1921

Current No. dated 191

G.O. No. 930, dated 20.6.21 191

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DEPARTMENT.

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CONTENTS.

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Papers of other departments.

abstract of 20

Dec 659 24.6.20

Acg. gland

House, adjoining
the Queen Mary's Stye for Women,
Mara, & belonging to Sir S. Subra-
manya Ayya - private purchase
- Rs 3 Lakhs - Sanctioned - 20

2) 4.0 297 Home Co 21.3.21 930

Acq^y of land

Properties adjoining
Queen Mary's College for Women
— Private purchase at Rs 3 lakhs,
under certain conditions—
approved in modification of
G.O. no 659 d 4.6.20.

Home (Education) DEPARTMENT.

C.F.—29.

Received



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Requesting certain information in connection with

the acquisition of Sir S. Subramanya Ayyar's buildings for

the use of this Department.

FNJLOS RES.
No.
Spare copies

Ref On C. No. 759/20
W.B.

Station Madras, Dated the 12th March 1921.

From (Name) R.G. Grieve Esq., M.A.,

(Designation) Agt. Director of Public Instruction,

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

Sir,

With reference to G.O.No. 297 Home (Education)
dated 1st March 1921 I have the honour to request that you
will be so good as to inform me when the acquisition of Sir.
S. Subramanya Ayyar's buildings will be completed and when they
will be handed over to the department for the use of the College.

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

For Director of Public Instruction

DEPARTMENT.

191 . Registered 16.3.1912

Subject.

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ENCLOSURES.

No.

Spare copies

Telephone No. 5250 Govt.
In future correspondence
please quote No. A-1-961-20.

Station Madras , Dated the 12th March 1921

From (Name) A.R.L. Tottenham Esq., M.A., I.C.S.,
(Designation) Collector of Madras.

To The Secretary to the Government of Madras,
HOME (Education) Department.
Madras.

Sir,

Land acquisition - Mylapore - R.S.Nos. 1014, 1015_{2B2}
and 1016 - Queen Mary's College for Women - G.O.No.
297 Home(Education) dated 1-3-1921.

The Government Solicitor, Madras, examined some of the title-deeds relating to R.S.Nos. 1014 and 1015_{2B2}, pointed out certain defects and wanted some further information - please see the extracts of paragraphs 2 to 4 of his letter dated 26-6-1920 appended. In my letter dated 1-7-1920 I asked Dr. Subramania Ayyar to furnish the above information and supply the defects and reminded him subsequently. He has not yet done so. The Government Solicitor has not yet exa-

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-2-
examined the title-deeds for R.S.No.1016; but he considers that, having regard to all the circumstances of the case and seeing that the defects he has pointed out have not been cleared up, it would be safer to acquire the lands under the Land Acquisition Act.

I accordingly recommend that orders may be issued for the acquisition of the lands under the Land Acquisition Act and that the draft notification sent with my D.O. A-1-961-20 dated 25-1-1921 may be published in the Fort Saint George Gazette.

I have the honour to be,

S i r,

Your most obedient servant,

A. T. Sankaranarayanan

C o l l e c t o r.

M.K./12-3-21/P

Extracts of Government Solicitor's letter.

The properties intended to be purchased bear S.Nos. 1014 and 1015₂B₂. The land bearing S.No. ¹⁰¹⁴~~1015~~ stands in the name of Dr. S. Subramani Iyer and the land bearing S.No. 1015/2₂ stands in the name of Mr. M.S. Sankara Iyer.

Dr. S. Subramani Iyer's house. It will appear from the documents sent that on 26-9-1901 Dr. S. Subramani Iyer purchased the same from one Mr. Ramasubba Iyer. This document must be sent for my perusal. An encumbrance certificate for the last 12 years should also be obtained and sent to me. In 1906 a mortgage was executed in favour of one Mr. K. Lakshmi Narayanan Chetty by Dr. S. Subramani Iyer. Though this mortgage debt is discharged yet to perfect the title the mortgagee Mr. Lakshmi Narayanan Chetty should join in the conveyance with Dr. Subramani Iyer as the mortgage is in English form. Subject to the above I think the title is in order.

4. House on S.No. 1015/2/B-2. This was allotted to Mr. M.S. Sankara Iyer by the decree in C.S.No. 44 of 1913. It is described in the decree as free from encumbrances. Mr. M.S. Sankara Iyer mortgaged the property first on 25-7-1916 and again on 14-12-1916 in favour of Messrs

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-3- 4 23 22
Messrs. R. Ganapathy Iyer and K. Balasubramania Iyer respectively.

These bear endorsements of discharge. In 1918, M.S. Sankara Iyer and his two brothers executed a mortgage for Rs. 30000/- in favour of the Trustees of Pappi Chetti Raghaviah Chetties Charities. This mortgage bears an endorsement of discharge on 18-6-1920 but only one (trustee) mortgagee has signed. The other (trustees) mortgagees should sign. The title is traced only from 1913. The prior title should be shown. An encumbrance certificate for the last 12 years should be obtained and sent to me. If there is a Collector's A Form certificate it should be sent to me. It appears from a recital in one of the mortgage deeds that the property is family property. If any of the three vendors has minor sons, then the necessity for the sale should be made out.

From

M R Ry

M S Ramaswami Aiyar Avl B.A.

Deputy Superintendent of Police (on leave)

Beach House, Mylapore, Madras.

and

M R Ry

M S Sankara Aiyar Avl

Beach House, Mylapore, Madras.

To

The Secretary to the Government Madras

Home (Education) Department.

Sir

With reference to the proceedings of the Government (G O No 297 Home (Education) Department dated 1/3/21) we beg to be instructed to whom we should hand over possession of the bungalows on R S Nos 1014 and 1015² purchased by the Government. We beg to add that we are prepared to hand over possession of the bungalows when required to do so. We request also that orders may be issued for the payment of three lakhs the price sanctioned by the Government, as early as possible.

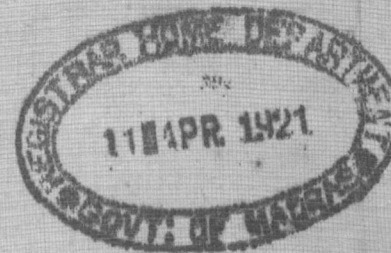
Madras {
9 April 21

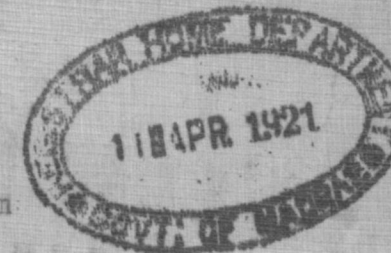
We have the honour to be

Sir

Your most obedient servants

M. S. Sankara Aiyar





From

M R Ry

M S Ramaswami Aiyar Avl B A.

Deputy Superintendent of Police (on leave).

Beach House, Mylapore, Madras.



To

The Secretary to Government, Madras.

Home (Education) Department.

Sir

I beg to state that with reference to the purchase by the Government of the bungalows on R S Nos IOI4 and IOI5₂ from Dr S Subrahmani Aiyar and my nephews M S Sankara Aiyar and his brothers, I have become entitled to one lakh and thirty thousand Rupees out of the price of three lakhs as the share due to me in respect of the bungalow on R S No IOI4 by virtue of the two instruments executed in my favour by Dr S Subrahmani Aiyar on 29/10/20 and 22/11/20 (certified copies of which are enclosed herewith) I request that instructions may be issued that any communications bearing on the matter may be addressed to me in future instead of to Dr S Subrahmani Aiyar as he is likely to be going to Bangalore.

I have the honour to be

Sir

Your most obedient servant

Madras
9.4.21

Madras



10/6-18
 ret'd to
 Mr. Ramaswami
 Aggar

only on payment

26

930 Linn (Em)

70



NOTES.

$$\frac{26}{930}$$

27

930

Law (85-3)

Acquisition of lands.

P. 1 CF [C. 850 B] From the D. P. J., Ref. on C. N. 759
W. B. 20 & 12.3.21

P. 2-3 CF [C. 916 B] From the com. of matters, N. A-1-
961-20 & 12.3.21

Regs.

P. 1-2 CF

In the circumstances stated by the com., it is for order whether the properties may be acquired under the Land Acquisition ^{Act} ~~Land~~ it would seem that all the three lands will have to be so acquired. Mr. Sankara Ayyar has to be consulted, as it will be a modification of the arrangement arrived at at his discussion with C₂.

2. The file may be submitted to M₁ and C₂. The latter has asked in another connection whether any further developments have arisen in the matter. Notice of a resolution has been given

B' on p. 14 of the notes in p. 297 (Gr)
1.3.21

K.

conv. To omit this sum from the budget.

16.3.21
JL 17.3.21

OK
17.3.21

28
930

The best thing would be to
take a statement from Sir
Subramaniam & the others agreeing
to take 3 lakhs & the alternative
site of ground in full compensation
even if the lands be acquired.

2. An objection to acquisition
was raised on the last occasion referred
to above but, in view of the difficulty
about the title, I do not see how
|| acquisition can be avoided.

ms 12/22/3
1873/21

~~C2~~

C1

in box 10034

18/3/21

C, saw this with
the linked file



'Adyar House',

Adyar.

9th April 1921.

29

930

My dear Tottenham,

I return with thanks the enclosures to
your B.2.1351A-1-961-20 dated 27th March 1921.

Yours sincerely,

Mc

A.R.L. Tottenham Esq., I.C.S.,

'Snowdon',

To Home Secretary-u.o. together with Mr.
Tottenham's letter to me and another letter from
the same officer to Mr. Todhunter. These papers
should be treated as confidential and may be
required in connection with the final disposal
of the acquisition case.

L.D. 21
9.4

Please quote

D.O. No. 1-961-20.

TELEPHONE-

NO. 5250 GOVT. (OFFICE.)

NO. 5085 GOVT. (PERSONAL.)

OFFICE OF THE COLLECTOR OF MADRAS,

G.P.O. MADRAS.

March 27th

1921

My dear Davidson,

Land Acquisition - Mylepore R.S. 1014 etc.

Queen Mary's College for Women - (Our telephone conversation.)

Since obtained
and put up (R)

4
ret.
on
9 4 21

in original
I now enclose the letter from the late N.H. Sankara
Iyer d. 9th March '20 on which the original valuation of the
land was based, and a letter d. 13th Decr. '20 from the present
Tahsildar in which he gives reasons for thinking that the valua-
-tion by Sankara Iyer is much too high. I also enclose two
plans showing all the fields on which the two valuations were
based. I think that the correct valuation is probably some-
-where between the two valuations. It is extremely difficult
to compare the values of different pieces of land. The lands
under consideration have an unique situation on the sea front and
at the junction of two roads, and lands quite a short way off
in-land might be much lower in value. This is why when I sent
up the Notification for Acquisition (My D.O. d. 25-1-21 to
Remachendrarao) I did not think it necessary to say anything
about the original valuation having possibly been excessive. I
noted simply that the Tahsildar's report should be specially
brought to the notice of the Acquisition Officer. Please
return all these papers when you have done with them. The

6122 Note to
S. 242 (Rm)
1321 (S)

6/8
Value of the buildings is Rs 51,626, and of the land according to Sankara Iyer Rs 2,18,437-4-0 (Total including 15 % Rs 3,08,272-11-9), and according to the present Tahsildar Rs 99,443-5-4 (Total including 15 % Rs 1,73,729-11-9). Of course I haven't the least idea what the Land Acquisition Officer after full enquiry might award, or what a Court might award, if a Reference to Court were demanded. These preliminary valuations are very liable to err.

Yours sincerely,

A. Tokentham
Collector of Madras.

The Hon. Sir L. Davidson K.C.S.I., I.C.S.

P.S. I haven't given the history of the case as I suppose that is in your file.
at

Please quote
D.O. No. A-1-961-20.

TELEPHONE-
No. 5250 GOVT. (OFFICE.)
No. 5085 GOVT. (PERSONAL.)

4 6
OFFICE OF THE COLLECTOR OF MADRAS,
G.P.O. MADRAS.

March 28th 1921

31
930

My dear Todhunter,

Land Acquisition.- Mylapore R.S. 1014 etc. - Queen Mary's College for Women - Your D.O. of 26th which reached me at about noon yesterday.

As soon as I got your D.O. I talked to Davidson on the telephone, to find out what he wanted. At about 5 p.m. I sent him the letter of the late N.R. Sankara Iyer (Tahsildar of Madras) on which the original valuation of Dr Subramania Iyer's land (which I believe is what you refer to) was based. I also sent him a letter of the present Tahsildar ~~Krishnasami Iyer~~ Krishnasami Iyer, who thinks that Sankara Iyer's valuation was much too high. I also sent two plans showing all the fields mentioned in the two letters. Each of the two Tahsildars of course quotes previous transactions in support of his valuation, though neither of them exactly emulates Mr Tanikachellam with his " volume". Of course its perfectly easy to bandy " previous transactions " in a case of this sort. It is extremely difficult to make a valid comparison between two sales, and to be quite sure that you have left no essential factor out of account. I think that transactions relating to land on Lloyd's Road would by no means ^{necessarily} be a safe guide in judging

-2- 9/21

the value of this land because the position of this land is quite unique. It is a compact block, at the junction of two roads, one of which is the Marina, and there is very little private land with a frontage on the Marina. There is no private land except this between Lloyd's Road, Edward Eliot's Road, the Buckingham Canal, and the Marina. Hence to compare its value with that of a plot of land quite a short distance inland and otherwise similar (especially if it is on the other side of the canal) is in my opinion quite likely to be misleading. Consequently (though I think it possible that the original valuation is a bit high - for one thing the prices of land show a tendency to fall I think) I by no means pin my faith to the new valuation, and intended to communicate it to the Land Acquisition Officer and to discuss it with him. You perhaps don't know that (I believe) the acquisition under the Act has not been sanctioned yet. There has been great delay and muddle over this affair, and I venture to prefer the regular procedure under the Act to these private negotiations. First Grieve negotiated with Subramania Iyer for 3 lakhs. Then I pointed out that Government had only bought two fields while they thought they were buying three. Then further prolonged negotiations ensued and it was decided to acquire under the Act as the owners made impossible demands in regard to the third field (in my humble opinion there was already a valid contract and Government were bound to buy the two fields for 3 lakhs, but I may be wrong). Then it was decided to give another piece of land in Greenway's Road in exchange for the third field. Now the Government Solicitor thinks the

I raised this point before & understood that Govt. had advised to give another piece of land in Greenway's Road in exchange for the third field.

8/21

title to the third field is dicky (it is in fact disputed), and I have recommended acquisition. What the legal position is by now I can't imagine. There is not the faintest doubt to my mind that whatever Government intended, what Grieve arranged to buy was the two fields and I don't quite see how Government can get out of that. Moreover, though the title to the third field is dicky apparently Sankara Iyer or whoever it is has promised to indemnify Government against any defect in title. So that it is not quite clear how Government can now repudiate the whole thing, or how the Council can refuse them funds to carry out a contract which could I presume be enforced in a Civil Court. If we could get rid of the whole private arrangement and acquire under the Act the land could be acquired in three weeks as it is a very simple case, and possibly it could be got a good deal cheaper.

32
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Perhaps you would show this to Davidson, as it to some extent supplements what I wrote to him.

Yours sincerely,

A. T. O'Brien
Collector of Madras.

To the Hon. Mr C.G. Tothunter, C.S.I., I.C.S.

p. 5 C.F. [C. no 1255] from Mr M. S. Ramaswami Ayyar 29.4.21
p. 6 C.F. [C. no 1256] Mr M. S. Ramaswami Ayyar & Mr M. S. Sankara Ayyar

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M.S. (and M. S. Sankara Ayyar) requests that orders may now issue for the payment of the three lakhs the amount already settled upon in G.O. No 277 of 1.3.21 and desired to know to whom the bungalows should be handed over. In the circumstances stated in the Collector's letter on pp 2-4 C.F. and in view of the statement at A on p. 8 and it is for orders whether the draft declaration on p. 12 of notes to G.O. ~~no~~ ^{ibid} may now be published in the Gazette and the properties acquired under the Land Acq. Act. If so the payment will be made in due course by the Land Acq. officer & the properties will be taken possession of in the usual way. ~~Done~~

Mr Ramaswami Ayyar's request on p. 6 C.F. will be noted and communicated to the Collector for information.

28-12-4-21) 3 In this connection attention is solicited to the discussion in the Legue Council on the motion for the deletion of the budget provision of 3 lakhs for the acquisition of lands & houses for the Queen Mary's College. At the close

Under
Newspaper report
marked with
red chalk

34
930

close of the discussion the Hon Sir Lionel Davidson said that he would examine the question of the legal obligations and binding nature of the contract, that the Govt could not possibly get over the moral obligation on their part and that he believed that the application of the Land Acqn. Act would in any case be necessary in consequence of the doubt that there was as to the title to the property.

To 12.4.21. A 12/4/21

We have already decided to acquire the lands. The draft Declaration may be published & subsequent steps taken.

2. As to the market value to be awarded by the L.A. officer, the parties will let it in evidence. Generally speaking, an offer is not conclusive evidence of market value. If, in this case, it be legally so, the L.A. officer will award accordingly. We cannot get over a legal obligation.

3. If the L.A. officer awards less,

35
930

omit in print

the matter may be then reviewed
if further action be necessary
in view of C1's speech

13/4/21
M O. I would like to examine the whole case. All
connected records are, be put up. 2/5/21
C1

There is a plan in
90. No 386 in 2, 16-3-21 (B)

Disc despatch entry to
G.O. No 297 8/1-3-21 (original)
J. Mr. Hutton's note re p. 10 of
para 44 up 12 of notes to
the G.O. - G

20. 1256 B. 1. E. 2.
19. 4. 21

SECTION
2 JAN 1921
CURRENT INDEX
1222

P.W. no N° 1222 wk B-1
2-5-21

Law camp 22
3-5-21
now 3/5/21

on the subject
All the papers in this dept on the subject
are put up below. A plan showing the position
of the various lands in question appears to have
been returned to P.W.D. That dept may be
requested to put up the plan and all
papers and pending files, if any, connected
with this file, and to submit it to me.

as
18/4/21
L
18/4/21

CR
18. 4. 21

P. W. D. in

P.W.D.

DS
The plan received with para 297
Home (Eds) 8/1-3-21
note above is with memo no 2207
of 31. 3. 21. - put up below. flay (K)
There are no other papers in the P.W.D. with
these remarks the file may be returned
to the Law (Eds) dept.

am
25/4/21
26. 4. 21

Law (Eds)

28. 4. 21

36
930

35

12

p-16 Cf

Telegram from D.P.D no-8, 29-4-21

quit in front

The main file on the subject was submitted to M, for orders on the letters from Messrs Sankara Ayyar and Ramaswami Ayyar stating that they were prepared to hand over possession of the property, enquiring as to whom possession should be given and requesting that the three lakhs of Rupees should be paid to them. In the note put up for orders it was ^{pointed out} ~~stated~~ that as the title to the property was defective, it should be acquired under the Land Acquisition Act.

B

37

930

Please see newspaper
report marked with
blue chalk

Remind P.D.
aboncc.

A

30/4/21.

Reminder

sent separately

Ed 1471B

2/5/21

304.21

Memo.

A

30/4/21

36

37

omit in
point

and that the draft notification
submitted by the Collr of Madras
might be published in the Fort
St George Gazette. In that connection
the newspaper report on the pro-
ceedings of the Council ~~in connection~~
~~with~~ the question whether the Govt
might not ~~be~~ ^{recade} ~~disposed~~ from the purchase
of the property was also put up.

Thereupon M. wanted that all
the connected papers on the subject
should be put up. The file
was then sent to P.W.D to do so
as all the connected files were
in that Dept. The file has
not yet been received from
that Dept.

2 It is therefore submitted
that with reference to his telegram
the Dir of Pub. Instruction
may be informed that the
amount cannot be paid
before acquisition is completed.
A draft memo is submitted
for approval.

Tr

Submitted to the Honble

the Minister for approval of Dept

Memo.

A

30/4/21

margin 7
page 18 C.F.

38
930

Grant a
point

37

af

14
10

I am not prepared at present to
say more than that the whole matter is
under the consideration of Govt.

A. S. Satharaya
2.5.21 Reddyar

Issue as revised please + submit
to Secy for perusal

C. R. Anandappa Acharya
2.5.21

[Issued as memo no 1471/B-13, 2.5.21 + Sub?
to Secy for perusal - vide p. 18 C.F.]

P.T.O.

39
930

omit in point 32 15

Law (son) dept

Secy.

The case may now be submitted to M, with reference to his note on p. 11 supra.

CV
3.5.21

May 3/5/21

advice
tel records
rec'd from
BP 9

Sent to M
CV
3/5/21
back to G for
Sec's personal
advised
as
6/5

M
C

P.T.O.

40

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4. 45 for p 12 of notes
68. 386 (B)
16.3.21

140 16 39

I have read the whole of the case bearing upon Queen Mary's College Extension. I have no doubt in my mind that the valuation fixed for it is truly excessive. The only question now interesting the public mind is if the Government after repeated G.Os. and after repeated action taken on the -- strength of the G.Os. can get out of the transaction. With eyes perfectly wide open, the Director of Public Instruction, backed by the Principal of The Queen Mary's College, expressed it as his opinion on 11-2-1921 that if only Dr. Subramania Iyer can be persuaded to part with his three plots, namely, 1014, 1015, and 1016, the requirements of Government would be thoroughly met in that their three important institutions, namely, The Queen Mary's College, Training College for Women and the Medical College for women, would be located in a convenient, important and healthy centre. It seems to me after that conduct of the Director of Public Instruction, in connection with this subject, the ground was materially given away by Government regarding the valuation of the ~~land~~ property. Other circumstances might be cited against the acquisition on the ground of inordinately enhanced valuation, but the true question is whether the Government with its multifarious advisors, all of them professional, would be justified in objecting to the valuation morally. It seems to me that all things considered the Government should accept the transaction as binding on them, most certainly morally and as I said before, legally also.

As the matter, however, has created a sensation among the public and may not be free from

41
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legal complications, I would prefer that the whole matter is placed before the Advocate General for his opinion and advice on the following points:-

- (1) Whether there has been a legally binding contract in regard to the landⁱⁿ question between the Government and Dr. Subramania Iyer^{his representatives,}
- (2) Whether the title to the property is good and clear, and
- (3) Whether by the Land Acquisition Act the title to the land could be perfected, and if so, whether the valuation of the land should be arrived at by the process fixed under the Act or could be arrived at by the agreement in force and above referred to.

Also A on
p. 18

158
17 40
2/10

I have no objection to the proposed reference but I hope that a very early reply will be requested. It is already over six weeks since the debate in the Legislative Council.

2. Point (1) is the main issue. As to point (2) it is, I think, clear that the letter is not altogether free from doubt. but there is no harm in getting the views of the Advocate General - (not that his opinion on this or any other point in issue is likely to convince the main opponents of the transactions) -

PS
42

42
930

A

3. to point out proceedings under the d. H. Act, ~~regarding~~ will unquestionably care any defects in title, but it may be helpful to have the Advocate General's opinion who then we are not ~~quite~~ ^{sure} board to instruct the d. H. officer to prepare an award of the amount mentioned in the negotiations of last year. Personally I think there is a moral obligation to ~~us~~ + I look upon proceedings under the Act as designed merely to protect Govt. against defective title + not to vary our agreement with the owners. - If I am right in the view that a moral obligation has been incurred, we cannot properly disavow or renege it:



L. Davidson
14-5-21

PT. 6

Department.

19

Routine notes (which are not to be (a) sent out of the office or (b) included in the originals or proceedings unless the notes are specially marked for retention or (c) printed).

43

930

Subject of file.

L.A. acquisition of Sir Sulman's papers

no

May I send the file u.o. to the Ad Genl?

2. Both legal + moral obligations are involved + for a proper understanding of the case, most of the records will have to be sent to him. The Ad Genl may wish to have all the material before him.

3 If such be accented, I shall send the file confidentially with a D.O. drawing attention to the points on which the Ad Genl's opinion is desired

May 14/51

C1. The notes ought not to go. I agree that all correspondence with Sir S. Aggar + his representatives should be sent. No record of oral negotiations with them.

urgent

May 15/51

the reference should be by D.O.

44.

930

Secy.

A draft o.m. is submd
the correspondence to be sent to the
advocate-general is mentioned in
the o.m. and is for orders.

CVV.
16.5.21

done,

16/5/21

Pt. 20-21 CF [Memo: to the Govt. Solicitor, No. 1471B-1
of 17.5.21]

Pt. 22-26 CF [C-94 Camp.] From .., No. 714 of 2.6.21

Secy.

The Advocate-General
opinion on Pt. 22-26 CF is submd.
for perusal and orders. It would
appear necessary to issue modified
orders directing the acquisition
of the properties under the Land
Acquisition Act, subject to the
condition that the compensation
to be awarded for them under
the Act shall be fixed at Rs.
3 lakhs plus the ~~value~~ the
piece of Govt. land to be offered
in addition.

If the above is approved
it would seem necessary to consult

45
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Mr. Sankarā Ayyar, before issuing
orders - vide portion K of note
on p. 1 ante.

6.6.21 The Hon'ble has answered the
queries.

(G) 2 Please see Ep. 297 of 1 Mar 1921.
What we have to do now is to direct
acquisition under the act & instruct
the L.A. officer as to the terms arrived
at (vide Hon'ble's opin).

3. Mr. Sankara Dyer may be
informed of our decision to apply
the Act on the nonproof of the title

Wm
6/6/21

m 1 - I prefer to give under the view of Sir R. Davidson
C! regarding moral obligation of
the P.A. Officer may be entrusted according to the law.

There is also a legal obligation on the P.A. Officer
acquisition proceedings under the Act should
be go forward at once, the Collector being
furnished with copies of the reference &
the Circular General & his ^{opinion} and instructed
to see that the award follows the opinion.

I presume that all that is requisite is to
publish the declaration at p. 12 of the
note to P.O. No 277 of 1.3.21. & also be
supposed also to add the usual citation of
Sec. 17 of the L.A. Act. so as to facilitate

(G)

B

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transfers of possession, though of course sec. 17
will not cover the building, as it is the
"waste or erable land". "Revenue" will be
able to advise on this. Sec. also send
the draft order over to Mr. Lloyd for
acceptance & adopt his advice on this point.
Further circulation is unnecessary, I think.

I almost do not wish to
see the case again

L.D.

12/21

(I shd. be inclined to lay the order
on the E.T. & to include in it a brief
reference to the debate in Council, &c.

"With reference to the debate on the 31st March
1921 on the series of resolutions relating
to the budget provision of three lakhs for
the acquisition of land for the extension of
Queen Mary's College, Madras, the Govt.

Taken legal opinion
on

have ~~expressed~~ the record of the negotiation
for the purchase of the property in issue and
are advised that there is a legally binding
contract to give effect to the settlement thus
arrived at & that it is expedient to perfect the
title ^{to the property} by applying the provisions of the Land
Acquisition Act, 1894. The following
notification will accordingly be published
in the G.O. & the Collector will be
instructed to arrange that the award shall
be passed in accordance with the ^{contract} negotiations.

L.D. 12/21

47
930

~~Regr.~~

A draft D.O. to the comr.
of maddur with reference to A & C's
note on p. 21 ante and another to
Mr. Sankara Ayyar with reference to
para 3 of the Secretary's note on the
same page, are submitted.

2. A draft order is
also submitted. After the D.O's
are issued, the case may be
sent up to the Revenue Dept. for
acceptance ^{and} for advice ^{as to the}
~~addition to be made to it~~ ^{with reference to}
B & C's note on pp 21-22 ante.

C

~~2 D.O's~~

I

D.O. No. 1471B-2 of 17-5-20-6-21

Dear Mr. Trencham,

Please refer to the
correspondence ending with your
official letter No. A-1-961-20 of
12.3.21, regarding acquisition of
certain lands ^{and buildings} for the Sree
Mangal College for women, maddur.

The Govt. have consulted the ~~Advocate~~
Advocate General in the matter and he has advised that

~~1/2-3 of~~

48

930

DO NOT
17/6
DESTROYED
20 JUN 1961
with
enclosure
17/6

A. R. L. Tottenham Esq.,
J.C.S., Comr. of Medical
(with copy of pp. 20-21 +
23-26 of; and pp. 13-20
in original)

~~The signature~~ *Yours sincerely*
16/6/21
17/6/21
I am directed to
ask you to have the
acquire completed
as per date
11

D.O. No 14713-3 of 20-6-21

Dear Sankara Ayyar,

Please refer to Pt. 297
of 1.3.21, regarding the acqui-
sition of certain properties for the
Queen Mary's college. The Govt.
understand that the titles to
these properties ~~are~~ ^{has not been well established} and
have been advised ~~to be~~ ^{to be}

49

930

M.S. Sankarā Ayyar Ail,
Beach House, Mysore

RECEIVED
20 JUN 1921

COV
12.6.21

IL
15.6.21. Come along with the G.O.

The G.O. is for acceptance

Law (S.S.) no. 94-1 camp
16.6.21



P.569. Vol. IV. India

that it is ~~not~~ expedient to pursue
it by the application of the
provisions of the Land Acquisition
Act. They have accordingly
decided to ~~take~~ acquisition pro-
ceedings ^(under the Act) and have instructed the
Land Acquisition officer to see
that the award shall be passed
in accordance with the contract
abridged into

Yours truly

CA
15/6/21

16/6/21

There is no purpose in my

the D.O. in advance; they may

Requ

Planned to Babbar-2500 ft. FC at 1500 ft.
St. H. as I assume. The only waste taxable
land is that attached to the bungalow
compound. I doubt very much whether
S.17 of Act I of 1894 would apply.

There is little advantage in the provision for
under the Act. The buildings of the Act allow

50
930

Take immediate possession of all the land surrounding them.

2. We have been asked merely to accept the G.O.

1862

The G.O. accepted as it stands. I agree with the Under Secretary that land cannot be considered waste or arable if it is included in the compound of a bungalow. Section 14 of the Act obviously cannot apply. P. R. S. nos 1014 & 1015 - 2/B-2.

P. R. S. no 1016 is an entirely separate property and is genuinely waste containing no buildings of any sort. Section 14 could be applied if it is desired but I should doubt if it is necessary. Negotiations will presumably not take long & it would seem better to go through the ordinary formalities before taking possession of any part of the property.

If section 14 is not applied the Collector cannot take possession under the

NOTES.

Page 27

Ch. St., until he has made his award
under section 11 (see section 16). But
of course if the further consent of
give possession beforehand there
is no objection to occupying beforehand
only in this case it will not be
possession under the Act. and an
agreement should be taken from
the party not to charge interest
which they would otherwise be
entitled from the date of occupation

ED 17/6/21

Law (Edwin) M

Law (Edwin) Sept

See

The draft, as it stands,
has been accepted by Revenue and
may now issue.

Issue

17/6/21

COV
17.6.21

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Nov. 4. 0. 16. 6. 320 8721-1
17.6.21.

C.

POSTS



TELEGRAPHS.

NOTICE

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.

Rs.

As.

Postage Stamp

Service Instructions.

Words.

52
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Entered in at (Office by Origin).

Date.

Hour.

Minute.

Madras 6 29 14 40

x Ste

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TO

Recd. here at

15 H. 42 M.

Madras Home

Education Otacamund

Stonehousehill

Vide Go 297 dated first
 march. Sankarayar request pay
 three lakhs this month
 Instruction

N.B.—The name of the Sender, if telegraphed, is written after the text.

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VE
Done today
25.21
4-10 PM

1918
1919

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Lawton, Dept
Telegram from the D.P.S.

Memo. No. 14713-10,25
With reference to his telegram regarding payment of three lakhs of rupees to Mr. R. M. S. Sankara Aiyar towards the purchase of the property ^{on the French belonging} to Sir S. Subrahmanya Aiyar, the Dir of Public Instruction is informed, that the ^{whole} question of acquisition of the property under the Land Acquisition Act is under ^{the} consideration of the Govt. as the title to the property is defective and that payment of the amount cannot be made until acquisition is completed.

I am not prepared at present to say more than that the whole matter is under the consideration of Govt.

5 MAY 1921

Issue as revised
Please & submit to Govt
Jurnal. A
25/21

To The Dir of Pub Instruction
Memo.

30/4/21

DESPATCHED
2-MAY-21
4-25 PM

Subd to Secy for
Jurnal. A
25/21
seen
my 7/21

Confidential.

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54/1/20

Law (Est) Dept

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O. M. 14713-1 Est. 9/17.5.21

- (1) G.O. No. 659 Est. 9/4.6.20 (order only) (F)
- (2) G.O. No. 297 Est. 9/1.3.21 (corree + order only) (G1/1-2)
- (3) D.O. to the coll. of Madras, No. 1556 B-2 9/11.9.20. (p. 5 n.f. at G1)
- (4) D.O. from coll. of Madras No. A-1-961-20 9/15.10.20 with enclosure. (p. 5 n.f. at G1)
- (5) D.O. to collector 9/8.11.20 (p. 8 G1)
- (6) D.O. to Mr. M. S. Sankara Aggar 9/23.12.20 (p. 10 n.f. at G1)
- (7) D.O. to Mr. Sankara Aggar No. 297 B-2 9/2.2.21. (p. 13 of n.f. at G1)
- (8) Notes of a discussion between Mr. Sankara Aggar and C. G. Todhunter Esq. 9/7.2.21 (p. 14 n.f. at G1)
- (9) D.O. from coll. of Madras No. A-1-961-20 9/7.2.21 with enclosure. (p. 14-15 n.f. at G1)
- (10) Letter from "do" No. A-1-961-20 9/12.3.21 with enclosure. (p. 2 n.f. at G1)
- (11) Letter from Mr. M. S. Ramaswami Aggar 9/9.4.21 with enclosure. (p. 5 n.f. at G1)
- (12) Draft notif. for acquisition. (p. 12 n.f. at G1)

P.T.O.

The marginally noted correspondence on the subject of the acquisition of certain lands and buildings adjoining the Queen Mary's college for women, Madras, and belonging to Sir S. Subrahmanya Aggar and others, is forwarded to the Advocate-general who is requested to furnish the Govt. at a very early date with his considered opinion and advice on the following points:—

- (i) whether there has been a legally binding contract in regard to the property in question between the Govt. and Sir S. Subrahmanya Aggar and his representatives;
- (ii)

21

(ii) whether the title to the property is good and clear; and (iii) whether, by the Land Acquisition Act, the title to the property could be perfected, and if so, whether the value of the property should be arrived at by the process fixed under the Act or whether the govt. are bound to instruct the Land Acquisition officer to propose an award of the amount mentioned in the negotiations.

May 16/5/21

(13) letter from Tahsil ~~to~~ to comr. of Madras
9.3.20 (pp. 13-14)
(14) letter from Tahsil ~~to~~ to comr. of Madras
12/20 9 13. 12. 20.
(pp. 15-18 R)
(15) Two pla
(16) Newspaper report
of d.c. proceedings
9 31.3.21

DESPATCHED
18 MAY 1921

The Govt. Solicitor
(with enclosures to
be sent with reply)

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From Henry Brightwell,
Government Solicitor,
Madras.

To The Secretary to Government,
Law (Education) Department,
Stonehouse Hill,
Nilgiris.

Sir,

With reference to your Confidential Memorandum No. 1471B-1 dated the 17th May 1921 I have the honour to send herewith the opinion of the Advocate General thereon and to return the enclosures sent with your said Memorandum.

I have the honour to be,
Sir,
Your Obedient Servant,
H. Brightwell,
Government Solicitor.

4/6/21
Very much
Paper ordered for from me
sent 4/6/21 Paid on 6/6/21

54 Law Camp No. 94
Madras 2nd June 1921. 6.6.21

22/118

pp. 20-21 ante

56
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Confidential.

No. 211

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OPINION.

MEMORANDUM No. 1471 B-1 dated 17th May 1921.

Law (Education) Department.

I have perused the correspondence relating to Sir S. Subramania Iyer's property which is sought to be acquired for the Queen Mary's College for Women. I have also read the issue of the 'Hindu' containing the proceedings of the Madras Legislative Council -- and have specially adverted to the speech of Mr. O. Thannicachala Chetty. I may state in limini that the title deeds of the property have not been submitted - to me and I take it that the actual investigation - of the title has been conducted by the Collector of Madras in consultation with the Government Solicitor as contemplated in G.O.No. 659 Home (Education) Department dated 4th June 1920.

The various proceedings culminating in G.O.No. 297 dated 1st March 1921 make it abundantly clear that after certain interviews and some modifications in the original proposals and counter proposals, a definite contract was concluded by the Government with Sir S. Subramania Iyer and certain others, the owners of R.S. Nos. 1014, 1015 and 1016, the contract inter alia -- comprising the following terms: (1). that the government should acquire two houses on R.S.Nos. 1014 and - 1015 and also a plot R.S.No. 1016. (2). that the said properties were to be purchased by Government for a total sum of three lakhs of rupees plus an assignment to Sir Subramania Iyer and his grandsons of a piece - of government land equivalent to R.S.No. 1016 in --

2. *24*
extent which land has been subsequently ascertained -
and approved of by the other party to the contract. -
(3). that the title to the property is to be examined
by the Government Solicitor and the contract is to be
completed by private negotiations, if possible. (4).
that in case of any doubt about the title Mr. M. S. -
Sankara Iyer is to execute a bond indemnifying the
Government against any damages which the Government
may sustain by reason of any adverse claims.

pp. 2-3 25/4
pp. 3-4 25/4
In view to the circumstances mentioned in the
letter addressed by the Collector of Madras to the
Secretary to the Government of Madras dated the 1st
March 1921 and the opinion of the Government Solicitor
appended to it and the neglect of Sir Subramania Iyer
to furnish the information asked for, I concur with
the Government Solicitor in thinking that it would -
be safer to acquire the land under the Land Acquisition
Act. I may mention however though with diffidence in
the absence of the original title deeds, that the --
defect pointed out in regard to R.S.No. 1014 seems
to be a comparatively trifling one in as much as it
ought to be easy for Sir Subramania Iyer to get the
attestation of the mortgagee and of Ramasubbba Iyer.
It is however to be noticed that as to R.S.No. 1015
the title is traceable only from 1913. In this case
the provisions of the Land Acquisition Act have to be
requisitioned.

As to R.S.No. 1016 there is no question that -
the only safe procedure would be under the Acquisition
Act having regard to the definite claim put up by M.
Venkataswami Pillai. Nothing in the Land Acquisition

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NOTES 60
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3. 25 51 130
Act I of 1894 prevents the validity of a contract or
arrangement by which a compensation is fixed in res-
pect of land sought to be acquired. (Vide, sec. 31
(3) (4) of the Act).

On a careful consideration of the correspondence
in the case and the other circumstances connected --
therewith, my opinion on the points referred to me -
are as follows:

1. There has been a legally binding ~~an~~ contract
in regard to the property in question between the --
Government on the one hand and Sir Subramania Iyer
and his relations on the other.

2. It is impossible for me finally to pronounce
an opinion on the validity of the title but judging
from the papers before me, I must come to the con-
clusion that the title to none of the properties at
the present moment is good and clear though in regard
to the first and second properties the title could -
easily have been perfected but for the negligence of
the vendor.

3. By the application of the Land Acquisition
Act the title to the property can be perfected.

3a. The value of the properties having been -
fixed in the negotiations both by means of correspondence
and at personal interviews between those representing
Sir Subramania Iyer on the one hand and those repre-
senting the Government on the other, the Government
would, in my opinion, be bound to instruct the Land

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Acquisition Officer to propose an award of the amount mentioned in the negotiations.

Madras,
2nd June 21.

C. Hanumanth Rao
Advocate General.

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23 JUN 1921
1957
These ~~pages~~ ^{pages} 820 not
be provided
but sketched with
the original of the
L.O. or placed
in ~~the~~ ^{the} ~~original~~ ^{original} papers

58 11/11 11. 5
 93072 **Special** 1036
 POST TELEGRAMS

NOTICE.
 This form must accompany any inquiry made respecting this Telegram.
 Charges to pay.
 29 APR 21

59
 930
 Handed in at (Office of Origin).
 Botacamund Stonehousehill
 TO
 Honisthar Madras Port St
 George Durin Public

Following telegram recd from instruction
 madras. begins vide g o 297 dated first march
 sun karayyar requests payment three lakhs this
 month/ends secretary orders money cannot be
 paid before acquisition is completed stop draft and

5
60 59 60
930
POSTS TELEGRAPHS



NOTICE.

This form must accompany any inquiry made respecting this Telegram

Charges to pay,

No.

As.

Handed in at (Office of Origin).

Date

Hour

Minute

Service Instructions.

Words.

TO

and

11

Recd here at

19/

H.

M.

get ministers consent

Madras Home

N.B.—The name of the Sender, if telegraphed, is written after the text.

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Law (SD)

Telegram

From Secy, Law Dept

To

Homeistan, Ent St.
George

Following telegram
received from Instruction
Madras. Begins ... End
Secretary orders
Money cannot be paid
before acquisition is
completed stop. Draft
and get Minister's
consent

29/4/21

Cov.
29.4.21

(B.S.)



VERY URGENT

62

For the Town Clerk of
62 Sunday the 1st May 1921
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I have examined today some
very urgent files, and have
sent pairs for signature to
Regis house. The signature
pad has not yet returned from
the Regs. Please ~~if~~ that
~~they~~ ^{these} are despatched away
urgently on receipt of the
pad from the Regs ~~as above~~
to avoid delay. I have
kept in a ~~few~~ very
urgent cuments into the
way. Please send them
to the Regs along with tomorrow's
toppal.

Weg
30/4/21

Mr. K.S.V.
Please send the
attached also
to Regs. clg.
with tomorrow's
toppal

Leell
30/5

30/4

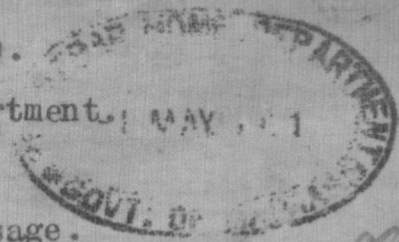
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Government of Madras.

Law (Education) Department. MAY 1 1921



Copy of Telephone Message.

From the Registrar, Law Secretariat,
To the Registrar, P.W.D.
Dated the 30th April 1921.

Educational C.Nos. 1252, 1255 and 1256 containing among others Mr. Tottenham's D.O. on the subject of the acquisition of Sir Subrahmaniya Ayyar's property for extensions to the Queen Mary's College for Women, Madras, were sent to your department on 19-4-21. M₁ wants the matter to be expedited and the file submitted at once.

C.R.
30-4-21.

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Channudi villa
Vepery 30th April 1904

Dear Mr. Rammingscham;

I have just received the file regarding Queen Ranigasturam & the proposed reply to D.P. I. I shall send it tomorrow by special post with the Minister's orders. Meanwhile I believe the Minister has asked the entire records (inclusive of the records of the collector's office regarding valuation) to be put up. This ^{order} was ^{passed} ~~done~~ on a letter from Mr. Tottenham giving a revised valuation. The trouble the Minister would like this file to be expedited.

Yours faithfully
A. Ramalingam

EST. 8/1

Some time ago we
asked for complete
papers on the subject
for P.W.D. I don't remember
we got them. Please
send a pl telephone
message in my name
at once to that effect
saying that I want
the matter expedited
and at once.
First verify whether
papers have been
sent.

I have sent a
copy of the attached
message by pl.
message at 10:30
and no response to calls on the phone 2:30.

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MAY 65
8. Windy House
8. Windy
8 April 21
2421 65
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Lil

From the report of some
speech in the recent legislative
Council sitting, I have reason
to think that there are certain
facts bearing upon the acquisition
of the 2 houses belonging to me
and certain members of my
family, require to be put
before you; in order to avoid
unnecessary complications with
reference to the payment of the
price due to us though these

facts have been clearly stated
before the Hon'ble Mr Todhunter
who called upon my grandson
and myself for information
in the matter, and though he
was satisfied with the view
which was presented to him
on one behalf, yet I feel
doubtful whether that info-
rmation and the Hon'ble
Member's decision, as Communi-
cated to us as the final de-
cision on the subject. I therefore
may now will be so good
as to permit me to call on
you for a few minutes.

Before you leave for Botacromond
so that I may place before you
personally all the facts bearing
upon this matter. I do so as
the question has evidently to be
disposed of by yourself instead
of by the Hon'ble Mr Todhunter
I shall esteem it a great favor
if a line by way of reply reaches
me through the bearer. I would
not have made this request
except that I understand you
are leaving for the hills shortly
and I do not wish to lose
this opportunity of having a
personal interview with you.

before your departure

I beg to remain
Sir

your obedient servant

T. S. Ramaswami

(Added to this file under instructions
from the Hon'ble the Minister.)

AR
1/5/21.

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The records of this office
are contained in the
linked file below

Please see the Council Secretary's
(Mr. Ramaswami Madaliga's) D.O. ^{ante} at flag R
from which it will be seen that Mr. Davies
to see all the records relating to Sri Subra-
manga Azhag's property inclusive of the records
of the Collector's office regarding valuation.
From page 4 of notes in the linked file ~~ant~~
below, it appears that some of the original
records of the Collector's office received by the
Hon'ble Sir Lionel Davidson were returned
him to the Collector. The Collector may
be asked to send all relevant records for
reference & return. The following D.O. is for
approval: -

D.O. 910 12535-1 E.S. 21 4.5.21

Dear Sir,
Land Acquisition - Mylapore P.S.

Queen Mary's College for Women - ~~for reference to the~~
~~respondence ending with your D.O. to the Hon'ble Sir Lionel Davidson~~
~~to the Hon'ble Sir Lionel Davidson~~ (Sir Lionel Davidson)
~~the 27th March '21. regarding the acquisition of~~
~~bangalows for the Queen Mary's College for Women~~
I am ~~directed~~ ^{desirous} to state that the Hon'ble the Minister
for Education ~~wishes~~ ^{wishes} to see ~~the records~~
in your office ~~connected with the acquisition~~
~~the properties in question~~ ^(and referred to in the above D.O.) and to request you to
be so good as to ~~send them~~ ^{forthwith} at an early date.

DESPATCHED
4-MAY-1921
S.

A. R. L. Josephson Esq M.A. i.C.S.
Collector Madras.

23 4/5/21 4.5.21

Yours obediently
AR 4/5/21

67
Telephone No. 5085 Govt.
In future correspondence
please Madras Collector's Office,
quote D.O. A-1-961-20.

66
5th May 1921.

Sh/S24D
Dear Mr. Ramanujachariar, B/S

67
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Land Acquisition - Mylapore -
R.S. 1014 etc.- Queen Mary's
College for Women - Your D.O.

No. 1253 B-1 dated 4-5-1921.

I enclose the records
referred to in your above D.O.
Please return all these papers
when you have done with them.

Yours sincerely,

Cholentham

To

5.5 m.
M.R.Ry, Rao Bahadur C.
Ramanujachariar Avl., B.A..

Registrar, Law (EDN.) Dept.