

Law (1925) Department.
Education

Ordinary SERIES.

G.O. No. 1841

DATED 26-10-1925

[Despatch Abstract.]

COLLEGE.

Queen Mary's, Nylapore--resurvey No.4269/1-conveyance deed
registration not necessary--papers recorded.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	no.	1403 Lg	13.8.25	G.O.	no.	6594 Lg	6.20
G.O.	no.	402 Lg	20.3.25				
G.O.	no.	100 Lg	23.1.25				
G.O.	no.	66 Lg	17.1.22				

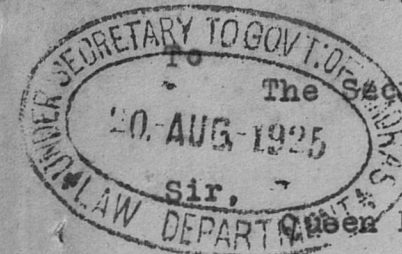
FURTHER PAPERS.

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

No. 1336. Madras, 19th August 1925.

From

L. Mainwaring Taylor,
Ag. Government Solicitor,
M a d r a s.



The Secretary to Government,
Law (Education) Department,
M a d r a s.

Queen Mary's College Mylapore - Resurvey No.4269/1
Conveyance deed.

I have the honor to acknowledge receipt of G.O. No.

1403 dated the 13th August 1925 with the conveyance and plan duly signed.

2. I shall be obliged if you will direct the Sub Registrar of Assurances, Mylapore, to register the document on behalf of Government. I have forwarded the conveyance and plan to the Sub Registrar for this purpose.

I have the honor to be,

Sir,

Your obedient servant,

Ag. Government Solicitor.

1/2

(2)

T H I S I N D E N T U R E made the day of

One thousand nine hundred and twenty five B E T W E E N THE
RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL (here-
inafter called "the Vendor") of the one part and M.S.Subramania Iyer
M.S.Sankara Iyer, and M.S.Anantaparayana Iyer (Hereinafter called
"the purchasers") of the other part.

W H E R E A S by a notification published on page 634 of part
I-B of the Fort Saint George Gazette dated the 21st of June 1921 the
pieces or parcels of land belonging or reputed to belong to the
purchasers and bearing R.S.Numbers 1014, 1015 2.B.2 and 1016 were
notified for acquisition under the Land Acquisition Act the parties
having previously agreed that a sum of Rs. 3 lakhs in cash and the
land described in the schedule be the compensation therefor but
subsequent to such notification a suit in respect of R.S. No. 1016
was filed by one M.Venkatasami Pillai claiming to be the owner there-
of and consequently the original notification was withdrawn as re-
gards R.S.No. 1016 and a sum of Rs. 2,65,650 (the said sum being
arrived at by deducting from the amount of 3 lakhs originally agreed
Rs. 34,350 compensation awarded by the Collector for R.S.No. 1016)
was awarded as compensation in addition to the transfer of the land
described in the schedule to the purchasers for the said R.S. Nos.
1014 and 1015 2.B -2.

NOW THIS INDENTURE WITNESSETH that in pursuance of the agree-
ment and award referred to above, the vendor doth hereby grant con-
vey and assign unto the purchaser their executors administators

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legal representatives and assigns ALL THAT piece or parcel of land situated in the town of Madras and being more particularly described in the schedule hereunder written and delineated in the plan hereto/attached TOGETHER with all trees commons hedges ditches fences ways waters water-courses liberties privileges easements advantages and appurtenances whatsoever to the said piece or parcel of land and premises in any wise appertaining or heretofore occupied or enjoyed therewith AND all the estate right title interest property claim and demand whatsoever of the vendor in to and upon the same premises TO HAVE AND TO HOLD the said piece of parcel of land and premises hereby delineated in the plan hereto attached TOGETHER with all trees commons hedges ditches fences ways waters water-courses liberties privileges easements advantages and appurtenances whatsoever to the said piece or parcel of land and premises in any wise appertaining or heretofore occupied or enjoyed therewith AND all the estate right title interest property claim and demand whatsoever of the vendor in to and upon the same premises TO HAVE AND TO HOLD the said piece or parcel of land and premises hereby granted conveyed and assigned unto the purchasers their executors ~~and~~ administrators legal representatives and assigns subject to the payment annually ^{of} ~~at~~ a quit rent of Rs.3-3-0 for ever AND the vendor doth hereby for himself and his successors covenant with the purchasers their executors administrators legal representatives and assigns that notwithstanding any act deed or thing by the vendor done or executed or knowingly suffered ^{the} to contrary he the vendor hath now good right to grant convey and assign the premises hereby granted conveyed

4 (A)

and assigned unto the purchasers their executors administrators legal representatives and assigns in manner aforesaid AND that the purchasers their executors administrators legal representatives and assigns shall at all times hereafter peaceably and ~~quietly~~ quietly possess and enjoy the said premises and receive the rents and profits thereof without any lawful eviction interruption claim or demand whatsoever from or by the vendor or his successors or any person or persons lawfully or equitably claiming through or under or in trust for him or them or any of them AND that free from incumbrances whatsoever made or suffered by the vendor or by any other person or persons claiming as aforesaid AND further that he the vendor and his successors and all persons having or lawfully or equitably claiming any estates or interest in the said premises or any part thereof through under or in trust or for the vendor or his successors or any of them shall and will from time to time and at all times hereafter at the request and cost of the purchasers their executors administrators legal representatives and assigns do execute and register or cause to be done executed and registered all such acts deeds ^{and} ~~in~~ things whatsoever for further and more perfectly assuring the said premises and every part thereof unto the purchasers their executors administrators legal representatives and assigns in manner aforesaid as shall or may be reasonably required, AND the purchasers for themselves their executors administrators legal representatives and assigns do hereby covenant with the vendor his successors and assigns that the purchasers their executors administrators ^{trators} ~~trors~~ legal representatives and assigns will at all times hereafter pay the said annual quit

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rent of Rs. 3-3-0 and all assessment and taxes that are or may from
time to time be levied upon the said piece or parcel of land and pre-
mises by the Government of India or the Government of Madras.

I N W I T N E S S whereof the
Secretary to the Government of Madras Law department by order and ~~dire~~
direction of His Excellency the Governor of Port Saint George in
Council acting for and on behalf of the vendor and --

the purchasers have hereunto set their hands and seals the day and year
first above written.

THE SCHEDULE ABOVE REFERRED TO

A L L that piece of parcel of land and premises situated in the
village of Mylapore in the town of Madras in the Registration Sub District
of South Madras in the Registration District of Madras Chingleput and
bounded on the North by R.S. 4268 of Mylapore on the east by R.S. 4270
of Mylapore on the South and West by R.S. No. 4269/2 of Mylapore and
bearing Re-Survey No. 4269/1 of Mylapore and containing in the whole
by admeasurement Caws. grds. sq.ft.
0 14 1490 or thereabouts.

Signed

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Signed sealed and delivered by the)
abovenamed)
in the presence of . ..)

Signed sealed and delivered by the)
abovenamed)
in the presence of. ..)

Signed sealed and delivered by the)
abovenamed)
in the presence of. ..)

Signed sealed and delivered by the)
abovenamed)
in the presence of. ..)

Signed sealed and delivered by the)
abovenamed.)
in the presence of .)

(b)
Law (Education) department.

C. 2557 C. From the Govt. Solicitor, 1336, dated 19th August 1925.

Subject : - Registration of the conveyance deed re.
R.S.No. 4269/1 of Mylapore granted to Mr.
M.S. Sankara Ayyar and others.

(E) The first question is whether the document (pages 31 - 37 of G.O.No. 402 Education, dated 20th March 1925) requires registration. Section 90(1)(d) of the Indian Registration Act, 1908, provides for the exemption of documents of the following description from the liability to be registered : --

"Sanads, Inam title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or any interest in the land".

The document in question seems to answer the above description and may therefore be held to be exempt. It is also understood that it is usual for Revenue officers to send to Registration officers a periodical return relating to acquisitions of land for public purpose with full particulars of the nature of the compensation paid for acquisition. These returns are filed in Registration offices and the transactions are also indexed.

2. As the point is not free from doubt the I.G. of Registration may perhaps be consulted. If the I.G. deems registration necessary he may also be requested to ~~advise~~ as to the amount of registration fees payable.



Law (edu) no

2557C-1

4.9.25.

318.2

3.9.25

J.G. 40

526 Genl.

Office of the Inspector-
General of Registration,
Madras, 1st October 1925.

Under Board's Standing Order 90 - 27 (iii)

"whenever land is granted in exchange the Collector
"should also forward a report in the form given in
"Appendix VI to the Registration Department for
"incorporation in the records of that department".

Under that rule, a return may be sent to
the registering officer for file in his office.
no registration thereof will be necessary.

Again, as under section 90 (d) of the
Registration Act, other documents purporting to
be assignments by Government of lands do not
require registration and as Government propose
to make an assignment, the deed evidencing it
may not require registration.

Inf. Vankata Krishna Rao
Ag. Personal Assistant
for Insp.-Genl. of Regn.

To

The Secretary,
Law (Education) Dept. u.o.



Ex. 3140C.
h. S. S. S. S. C.
6/10/25

Law (Edn) Dept.

A draft return to the

Government Solicitor is submitted.

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9.10.25

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VTK
10.10

Law (Education) Department.

C. 2557/c
Memo. No. 2557 C. 2 27.10.10.25

Letter from the Government Solicitor,
No. 1336, dated the 19-8-1925.

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Conveyance of Resurvey No. 4269/1
of Mylapore granted to M.R.Ry. M.S.
Subrahmanya Ayyar and two others.

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The attention of the Govern-
ment Solicitor is invited to section
90 (1) (d) of the Indian Registration
Act, 1908, under which the document
is exempt from registration. It is
also observed that whenever Government
land is granted in exchange, the Col-
lector has to forward a report to the
Registration Department for incorpo-
ration in the records of that depart-
ment with reference to Board's Stand-
ing Order 90 - 27 (iii).

It is therefore unnecessary to
register the document in question.

To

The Government Solicitor,

Madras.

DESPATCHED

10 OCT 1925

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9.10.25

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VTK
10.10

No. 1867

From

C. Moresby,

Government Solicitor,

Madras.

To

The Secretary to Government,

Law (Education) Department,

Madras.

Sir,

Conveyance of Resurvey No. 4269/1 of Mylapore granted to M.R. Ry M. S. Subramania Ayyar and 2 others.

I have the honor to acknowledge the receipt of your Memorandum No. 2557 C-2 of the 10th instant drawing my attention to section 90 (1) (d) of the Indian Registration Act 1908 under which the document is exempt from registration. This section was construed very widely by the Appellate Court in 43 Madras page 65 and I think that though the document is in the form of a conveyance it would be covered by the word "grant" in the section it being a grant in exchange and therefore would not require registration.

I have the honor to be,

Sir,

Your obedient servant,

C. Moresby
Government Solicitor.

May be filed with

Memorandum No. 2557-C-2, d)

10.10.25 & 'recorded'

24.10.25 *24/10*

Order No. 1841 d)
16-10-25

College
Queen Mary's, Mylapore
- Resurvey No. 4269/1 - Conveyance
dud - Registration not necessary
- papers recorded.

When given for copying
When copied
When examined
When signed

192

READ AGAIN G.O. No.
192

DATED

CURRENT No.

ENCLOSURES to G. No.

ORDER OF GOVERNMENT ... A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITO.

PAPERS NOT FILED OF, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

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