

Law (Education) (1926) Department.

Mis SERIES.

G.O. No. 747

DATED 30.4.26

[Despatch Abstract.]

Hostel

Tirthapathi High School, Ambasamudram

Director informed that execution of an agreement by the management of the School is necessary.

BACK PAPERS.

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

FURTHER PAPERS.

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

CF. 30-41,000-8-9-24.

Law (Education)

DEPARTMENT.

Received



Registered

192

V. A. Subbaram
11/3/26

Tirthapathi High School, Ambasamudram--Hostel-enquiring whether an agreement is necessary

ENCLOSURES.

No.

R C

No. 170 E/26

Madras

9-3-1926

Station, Dated the 192

Spare copies

From (Name) R Littlehales Esquire, M.A.,

(Designation) Director of Public Instruction

To The Secretary to the Government of Madras,

Law (Education) Department.

Sir,

(E) While sanctioning the original estimate for constructing a building for a hostel for the Tirthapathi High School, Ambasamudram, the Government directed in para 4 of G.O.No. 700 W dated 26th May 1919 that the building should on completion remain the property of Government but lent to the school management for use as a hostel free of rent subject to certain conditions. The Correspondent of the School reports that the building has been completed and handed over by the P W D to the management. He now submits papers noted in the margin received from the P W D and

1. Copy of letter from the Executive Engineer, Cauvery Division No. 1485/177 dated 19-1-26

2. Endorsement of the Executive Engineer No. 4895 E dated 16-4-24,

enquires whether it is necessary that an agreement in terms of the conditions prescribed in para. 4 of G.O. mentioned above should

be executed by the management as required by the P.W.D.

I therefore request that you will be so good as to favour me with the orders of Government in the matter.

2. The enclosures may kindly be returned when done with.

I have the honour to be,

Sir,

Your most obedient servant,

R. S. S. S.
for Director of Public Instruction

S.V. 9-3.

cf. [C. 696 B] From the D.P.J., No. 170 E/26 B 9.3.26.

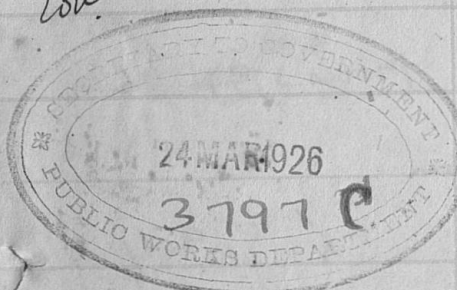
From the communication on p. 5 cf., it is observed that a draft agreement was prepared under the instructions of the Chief Engineer. The P.W.D. may be requested to put up the papers and also to advise whether the execution of an agreement is necessary in the case.

Com. 696 B-1
23.3.26

cov
16.3.26
8/9
19.3.26

23/3/26

P.W.D. no



W.

Copies of the C.E.'s records bearing on the subject are put up at (V). The building is not to be printed by the execution of a formal agreement seems to be necessary. The terms may be set to Law (S.M.) with the necessary amendments. The terms are similar to those laid down in 30.3.26 in respect of buildings lent to local bodies but no formal agreement is entered into in this

Cases. The question is whether the same procedure should be adopted in respect of a building lent to the managing board of a private school. There is also the fact in this case that while the site belongs to the school ^{authorities} the building thereon belongs to the Govt. Law (Edn) may perhaps be advised to take legal opinion in this case, i.e. consult the Govt Solicitor.

plh
30.3.26
It is not a legal point - but a question of policy & I advise that an agreement should be required
31.3.26

The P.W.D. consider that an agreement should be executed by the management of this school in this case. In 1914 when the Government undertook to construct the hostel, the intention was that the site for the hostel which belonged to the management should be made over to Government so that the ownership of the whole property, site and building, might vest in Government. It does not appear that the site has been formally made over to Government. The Executive Engineer states that the site belongs to the management. It is doubtful whether the Government will be able to enforce the terms of the proposed agreement regarding the relinquishment of the building, so long as the site is owned by the management. The Law (Drafting) section may perhaps be requested to advise on this point. Thereupon the management may, if necessary, be asked to execute the necessary deed transferring the land to Government in the first instance.

Paragraph 12
8-397 (F)
8.4.14

p. 3 of

A

the land to Government in the first instance.

Law 640/2
16.4.26
cur
12.4.26
8/4

Law (Drafting) Dept
15/4

Law 640
18.4.26

The point referred to this department is stated at A p.2 n.f. The terms of the proposed agreement are enforceable even though the site may be owned by the management. The management allowed the Government to erect a permanent building on the site. Government are now entitled to the user of the building they have erected. Even if the permission granted by the management amounts to no more than a licence, the licence has now become irrevocable, the Government having acted on the licence by erecting a building of a permanent character on the land. Government are now absolutely entitled to the use of the building. It is certainly open to them to transfer the right of user of the buildings subject to a condition that the building should be relinquished to Government in certain contingencies. The fact that originally, and even now, the site belongs to the management does not make any difference.

Law 640/1
23.4.26

A.S. 23/4
Law (Edn) Dept.

Law 640/1
23.4.26

Law 640/1
26.4.26
8/4
27.4.26

Draft order is submitted.

Law 640/1
27.4.26
V.T.K.
8/4

	Date.	Initials.
When received for Fair-copying.		
When copied	30/4	CR
When examined		
When signed	30/4	CR
When despatched		

READ AGAIN G.O. No., dated

READ ALSO

C. No. 69013 From the

" "#####" " "#####" " "#####" " "#####"

" " " " " " 192

ORDER.

Miss

No. 747, dated 30 4 1926

The S. P. I. is informed that the Govt Consider that the Management of the Idhapa thi High School, Ambasamudram, should be required to execute an agreement ^{embodying} ~~and embodying~~ the conditions prescribed in fo. No. 700 W & 26-5-15.

DESPATCHED
3-MAY-1926

One D. P. J. ✓
(with enclosures 2 or 3)
P. W. J. ✓ pp 384 f

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 \text{CPA} \\
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 96.4 \cdot 96 \\
 874 \\
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 27.4 \cdot 26.1
 \end{array}$$

27.4.20

~~VTK~~ 8/4

- 192

READ AGAIN G.O. No. 192

DATED

Судебн. №.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT . . .

A	A	A	A	A	A	A
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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

A = Copy in full.

B = Not to be copied.

P = Copy abstract only.

Q = Copy heading only.