

Educational (1900) Department.

ORDINARY MS.

G.O., No. 202

DATED 10. 4. 01

INDEXED.

[Despatch Abstract.]

Coming to the B. G. I. prop., B. G. I. authorizing
the Executive Engineer, South Arcot Dist.,
to execute on behalf of Govt the lease
in connection with the transfer of
the Govt School building at Sankarai
to the S. H. Board.

BACK PAPERS.

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

FURTHER PAPERS.

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

EC 805 of 00 abt
to 118: 24-2-99 mis

BUILDINGS AND ROADS.
CIVIL WORKS.

Government {1901} of Madras. PUBLIC WORKS.



Recd.

Regd.

6-4-1901.

Enclosures

Spare copies

nil
nil

G.O., No. 780 W., 19th March 1901.

N.

Order No. 202 d/10.4.01
This
Commenced to the H.P. 9.

MARCH.

8/4/01

20.

The H.P. 9
15/4

Government School-building at Tirukkoyilur

Authorising the Executive Engineer, South Arcot division, to execute on behalf of Government the lease in connection with the transfer of the — to the District Board.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.

Civil Works.

READ—the following papers:—

From the Honourable Mr. G. H. STUART, M.A., Barrister-at-Law, Director of Public Instruction, Madras, to the Secretary to Government, Educational Department, dated 18th June 1900, No. 5822.

In submitting the draft lease to be executed by the South Arcot District Board in connection with the Government school-building at Tirukkóyilúr sanctioned in G.O., No. 360 W., dated 4th February 1899, and letter, No. 328, dated 28th ultimo, from the Government Solicitor, Madras, I have the honour to request that you will be good enough to transfer the papers to the Public Works Department for the necessary arrangements being made for the execution of the lease by that department, in accordance with paragraph 4 of the Government Solicitor's letter.

ENCLOSURE.

From ERNEST BARCLAY, Esq., Government Solicitor, Madras, to the Director of Public Instruction, dated 28th May 1900, No. 328.

With reference to your letter of the 8th instant, No. 4598, I return herewith the draft lease forwarded therewith, approved by me subject to my alterations in red ink.

2. The lease is in favour of the District Board of South Arcot as a body corporate and not in favour of the members of the Board, so that no mention should be made in the lease of the lessees' successors in office, still less of their executors or administrators.

3. In the draft lease the term is made for "twenty years from the first day of," no month or year being mentioned. I have therefore made the lease to run for twenty years from its date; but, if it be intended that the lease should commence as from some other date, that date should be mentioned.

4. I am of opinion that the lease should be executed on behalf of Government by the Secretary to Government, Public Works Department. From G.O., No. 360 W., dated 4th February 1899 (which I return herewith), it appears that it is the Public Works Department which has sanctioned the lease, and I doubt if you have authority to execute the lease.

5. The lease will require a schedule containing such a description of the demised land as will comply with the requirements of the Registration Act, viz., the town or village, sub-registration district and registration district in which the land is, boundaries and area.

Endt. No. 205, Educational.

Transferred to the Public Works Department.

(Signed) A. T. PRINGLE,
Assistant Secretary.

27th June 1900.

No. 3011 C.

Referred to the Superintending Engineer, V Circle, with the request that a schedule containing a description of the demised land may be prepared for entry in the lease with reference to paragraph 5 of the Government Solicitor's letter.

(Signed) W. B. DEWINTON,
Secretary to Govt., P.W. Dept.

20th July 1900.

From Colonel A. W. SMART, R.E., Superintending Engineer, V Circle, to the Chief Engineer, Public Works Department, dated Chepauk, 30th November 1900, No. 629 W.

With reference to your endorsement No. 3011 C., dated 20th July 1900, herewith returned with its accompaniments, I have the honour to note below a copy of the schedule of land for entry in the lease for the Government training school-building at Tirukkóyilúr:—

SCHEDULE.

Tiled house and ground measuring 40 cents in area as below—

Survey No. 323 D	AREA.
Survey No. 323 A/1-A	23 cents,
	17 cents,
situated in South Arcot district, Tirukkóyilúr sub-district, Tirukkóyilúr village, bounded on the	
North—by road, Balasawmy Chetty's land, Iyalu Naidu's, Sivagami Ammal's house-site	
and Thagalesa Iyengar's house-site,	
East—by Balasawmy Chetty's land,	
South—by Kuppasawmi Pillay's house and poramboke land,	
West—by road.	

2. A survey of the school compound is also sent herewith. As the southern and eastern boundaries are not demarcated, it will be advisable to have demarcation stones fixed at the points Q, R, X, Y, Z, and along the southern boundary.

3. The boundaries as marked in the survey have been fixed in consultation with the Revenue officer.

Memo. No. 891 C.

The following questions are referred to the Government Solicitor for opinion, with reference to his letter, No. 328, dated 28th May 1900, to the Director of Public Instruction:—

(1) Government buildings are ordinarily lent, free of rent, to District Boards and Municipalities on the conditions—

- (a) that they will be kept in repair; and
- (b) that they will be transferred back to Government, if required, on due notice being given.

In the case, however, of buildings lent for use as school-houses, the Director of Public Instruction has frequently recommended the lease of the buildings for a long term of years, presumably with the object of making it worthwhile for the managers of the schools to go to the expense of improvements, such as the erection of gymnasias, etc. As these buildings are lent rent-free, and the conditions of the transfer are embodied in the Government Orders making over the buildings, the Government Solicitor is requested to be so good as to state whether a lease is legally necessary in these cases to secure peaceful and uninterrupted enjoyment of the buildings by the managers of the schools for the periods specified.

(2) If a lease is necessary in the cases above specified, the Government Solicitor is further requested to be good enough to state whether it is legally necessary for the Secretary to Government, Public Works Department, to execute the lease, because the Government Orders transferring the buildings issue in the Public Works Department. Under paragraph E. VI of the Government of India Resolution, printed in G.O., No. 856, Judicial, dated 25th April 1895, Executive Engineers are competent to execute leases of houses, land or other immoveable property, provided the rent

reserved does not exceed Rs. 5,000 a month. As these Government buildings are given on loan, free of rent, it would apparently be sufficient if the leases are executed by the Executive Engineer.

2. The file of papers which has given rise to these questions, and G.O., No. 856, Judicial, dated 25th April 1895, are forwarded for reference and return.

16th February 1901.

(Signed) H. E. CLERK,
Under Secy. to Government, P.W.D.

From ERNEST BARCLAY, Esq., Government Solicitor, Madras, to the Secretary to Government, Public Works Department, dated 22nd February 1901, No. 101.

In reply to your memo., dated 16th instant, No. 891 C., I beg to inform you that there is a legal necessity for a lease to be granted of buildings lent for use as school-houses where the term is over one year. Under section 107 of the Transfer of Property Act, a lease of immoveable property from year to year or for any term exceeding one year or reserving a yearly rent can be made only by a registered instrument. All other leases of immoveable property may be made either by an instrument or by oral agreement.

2. If, therefore, the loan of buildings is intended for a long term of years, the tenant would not have secured to him a peaceful and uninterrupted enjoyment of the buildings for the period specified unless he have a lease in writing and registered.

3. If land or buildings are leased by the Public Works Department, I am of opinion that, there being no rent reserved or, if the rent reserved does not exceed Rs. 5,000 a month, the lease of such land or buildings can be executed, on behalf of Government, by any of the officers mentioned in paragraph E. VI of the Resolution of the Government of India set out in the Proceedings of the Government of Madras, Judicial Department, dated 25th April 1895, No. 856.

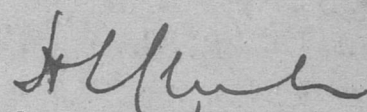
4. I return the papers which accompanied your memorandum.

X From the Educational Department, dated 26th February 1901, No. 54.

ORDER—No. 780 W., dated 19th March 1901.

With reference to paragraph 3 of the Government Solicitor's letter, No. 101, dated 22nd February 1901, the lease in connection with the transfer of the Government school-building at Tirukkóyilúr to the District Board will be executed by the Executive Engineer, South Arcot division, on behalf of Government.

(True Extract.)


Under Secretary to Government.

To the Educational Department.
„ the Superintending Engineer, V Circle, with two enclosures.
„ other Superintending Engineers.
„ the Consulting Architect to Government.
„ the Local and Municipal Department.
„ the Examiner, Public Works Accounts.

Exd. A. F. Eccleston.

When given for copying _____
When copied _____
When examined _____
When signed _____ } 190 .

READ AGAIN G.O., No. _____, DATED _____
190 .

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DIUTO.

PAPERS NOT FILED UP, 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.