Education

MISCELLANEOUS SERIES.

G.O., No. 649 + 650

DATED 5th April 1904

[Despatch Abstract.]

Requesting the sanction of Govt. of India to the formal transfer of land for the Basel Mission School at Calicut.

FURTHER PAPERS.

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

LOCAL & MUNICIPAL
15 FEB 1904
SECRETARIAT,

278

CURRENT No.

F.C. 507/05

E.S. 309
17-5-04

From

[Name] A. F. Pinhey, Esq., I.C.S., 2

[Designation] Collector of Malabar,

[Station] CALICUT.

Ref on C. *No.* 1914 / P. 3

Dated 13th February 1904. *190* .

Enclosures 2

Received 15-2-*1904*.

Registered 16-2-*1904*.

SUBJECT.

Reporting that award has been passed in respect of the land required for the Basel Mission School at Calicut & soliciting orders in the matter of transferring the land to the Mission.

BACK PAPERS.

G.O. 307 - 24-6-03 Coll Endl no 58 4-1-04 624 - 15-12-03	

FURTHER PAPERS.

F.M. 16/2/4

To

The Secretary to Government,

Educational Department.

Sir,

With reference to the last para of G.O. No. 307 dated 24-6-'03 I have the honour to report that I passed my award on the 10th instant in respect of the land required for the Basel Mission School at Calicut. The area acquired is 6.44 acres and the total compensation awarded to the jenmi and tenants is Rs.12,161-2-1. One of the tenants, who is now residing in Bangalore, did not appear, and there is a dispute as to the title of two claimants to receive the compensation. The amount involved in these three cases is Rs.384-10-1 which I have kept in deposit. The compensation awarded to the remaining claimants namely Rs.11,776-8-0 has been accepted by them. I have accordingly disbursed that amount out of the sum of Rs.12,500 deposited by the Mission authorities. In the event of any of the three parties referred to above applying for a reference to the Civil Court under Section 18 Land Acquisition Act I of 1894 I shall take action accordingly and deposit in court the amount in dispute.

2. I await the orders of Government before transferring the land to the Mission and solicit orders whether a special document evidencing the conditions of the transfer should not be executed.

I have the honour to be,

Sir,

Your most obedient servant,

Collector.

Desp ~~[illegible]~~
29/2/4

O.M. No. 87 / 1-3-04

3

At the request of the Basel Mission Educational Council at Calicut, an association registered under the provisions of section 26 of the Indian Companies Act, 1882, with limited liability but without the addition of the word "limited" to its name, the Govt. has acquired under the Land Acquisition Act, 1894, a piece of land in Calicut measuring 6.44 acres and the Council has paid the compensation awarded for it amounting to Rs 12,161-2-1. As the land has now to be transferred to the Council the Govt. solicitor is requested, with reference to Section 41 of the Land Acquisition Act, 1894, to prepare a draft agreement providing for the transfer of the land to the B.M. Educl Council on the conditions

(1) that the Council ~~should~~ shall use it for the erection of a school building

(2) ~~and~~ ~~should~~ shall not appropriate it for

2. G.Os nos. 307/24-6-03 & 624/15-12-03 are herewith forwarded for reference and return.

TM

7K
25-2-04

ABG
26.1.4

ABG
28.II.04

DJ
25/2/4

At the request of the Basel Mission Educational Council, Calicut, an association registered under the provisions of section 26 of the Indian Companies Act 1882 with limited liability but without the addition of the word "limited" to its name, the Govt. has acquired under the Land Acquisition Act 1894, a piece of land in Calicut measuring 6.44 acres and the Council has paid the compensation awarded for it amounting to Rs 13,6[illegible]. As the land has now to be transferred to the Council the Govt. Solr. is requested, with reference to section 41 of the Land Acquisition Act 1894, to prepare a draft agreement providing for the transfer of the land to the B.M. Educational Council, on the condition that the Council ~~should~~ shall use it for the erection of a school building ~~and~~ ~~should~~ shall [illegible]

To
The Govt. Solicitor with G.Os 307/24-6-03 & 624/15-12-03

Despd
1/3/4

CURRENT No. 434

A

From

[Name]

[Designation] The Government Solicitor

[Station]

No. 211

Dated 8. 3. 1904.

Enclosures

Received 9. 3. 1904.

Registered 9. 3. 1904.

SUBJECT.

Requesting to be informed when the Basel Mission Educational Council was registered as company and if any agreement was entered into with such company as required by section 39 of Land Aquisition Act of 1894

BACK PAPERS.

FURTHER PAPERS.

7

SECRETARY TO GOVERNMENT
9-MAR 1904
LOCAL & MUNICIPAL DEPARTMENT

No. 211.

5

Madras 8th March 1904.

38

From,

Sutherland Orr,
Government Solicitor,
Madras.

To,

The Secretary to the Government of Madras
Educational Department.

Sir,

I have the honor to acknowledge receipt of your Memo of the 1st instant No.87 with the papers which accompanied same which I herewith return.

2. I shall be much obliged if you will kindly let me know when the Basel Mission Educational Council was registered as a Company, and whether any agreement was ever entered into with such Company as required by section 39 of the Land Acquisition Act 1894.

3. I see that in the Memo No.219 of 23rd February 1903 quoted in page 3 of G. O. No.307 Educational 24 June 1903 enquiry was made as to whether the Mission would execute the formal agreement therein referred to and that the managers reply was in the affirmative. But there is nothing in the papers to show me whether any formal agreement to such effect was entered into with the Company when constituted.

4. Apparently under section 39 of the Act the validity of the acquisition proceedings depend on the previous execution of such an agreement, so if there is none, I would suggest that the question as to what further proclamation should be issued should be referred to the Advocate General.

I have the honor to be,
Sir,
Your Obedient Servant,

Sutherland Orr

Government Solicitor.

8

9

6

4P

No. 27 d/11.3.04

Educational Dept.

~~Memo.~~ Telegram

to Collr. Malabar

Despd 11/3/4

Despd 11/3/4

~~With reference to his~~

Your no.

~~letter Ref on Ext~~ 1914 / P-03 dated ~~the~~

13th Feb. ~~1904~~, ~~the Collector of~~

~~Malabar is requested to ascertain~~

~~and report at an~~ once ~~early date~~

~~whether~~ has

~~when the~~ Basel Mission Education

-al Council ~~has~~ registered ~~itself~~

as ~~a~~ Company under ~~the~~ license

granted ~~to it~~ in G.O. no. 1924, Jud.

dated 17th Dec. 1903 ~~and if not~~ ~~And, if it~~

if so when if not please

~~has not been so registered, to~~

~~direct it~~ to ~~get itself~~ register~~ed~~

immediately

~~without further delay.~~

W

AY / 11.3.04

2. The Collector is ~~also~~ informed that with reference to section 41 of the Land Acquisition Act, 1894, the Govt. Solicitor has been requested to draw up an agreement which the Basel Mission Educational Council will have to execute before the land can be formally transferred to it.

AY 11.3.4

To

The Collector of Malabar

TR 10-3-04 AH 10/3/4

Educational (1904) Department.

7

CURRENT No. 478

From

[Name] A. F. Pinhey, Esq., I.C.S.,

[Designation] Collector of Malabar,

[Station] CALICUT.

No. F. Ref on C. do. 1904 P.03

Dated 12th March 1904. 190 .

Enclosures

Received 15 - 3 - 1904.

Registered 15 - 3 - 1904.

SUBJECT.

Requesting to pass early orders in the matter of the land acquired for the Mission School, Calicut.

BACK PAPERS.

Telegram No. 27 : 11-3-04 & paper

FURTHER PAPERS.

J.K.
15/3/4

12

To

The Secretary to Government,

Educational Department.

SECRETARY TO GOVERNMENT
15 MAR 1904
LOCAL & MUNICIPAL DEPARTMENT.

Sir,

With reference to your telegram No. 27 dated 11th Inst. I have the honour to report that the Basel Mission Educational Council was registered as a Company on 8-1-'04.

2. The Mission authorities requests me to hand over to them as soon as possible, the land acquired for the school so that they may store the necessary materials on the site and proceed with the construction of the school without delay. They are ready to begin the work and their Engineer has already come down for the purpose. I beg therefore that Government will be pleased to pass very early orders on my letter Ref. on C.No. - 1914/P.'03 dated 13-2-'04 regarding the transfer of the land to the Mission authorities.

3. I may add that the whole of the compensation awarded for the site has been disbursed to the claimants with the exception of a sum of Rs.146-6-1 payable to a tenant who is now residing in Bangalore. A notice has been issued to him in the matter and the money will be paid to him as soon as he applies for it. It has been placed in deposit.

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

Collector.

Very urgent.

8

exp - at once please
16/3/4

Memorandum. No. 132
16-3-4-

Despd
16/3/4.

With reference to his letter No 211 dt the 8th instant, the Govt. Solicitor is informed ~~that~~ the Basel Mission Educational Council was registered as a Company on the 8th January 1904 and ~~that~~ no agreement has yet been entered into with this company. He is also informed ~~that~~ the land in question was originally acquired for a public purpose, that it is now wanted for a Company, that no further proceedings will be taken until the agreement has been executed and that ~~although~~ while the provisions of section 39 of the Land acquisition Act, 1894, were not applicable to past proceedings they will be observed in future proceedings. The proclamation suggested in para: 4 of the Govt. Solicitor's letter is therefore not necessary and ~~it is~~ he is requested to prepare and submit as early as possible ~~requested that~~ the draft agreement called for in memorandum No 87 Edl dt the 1st instant. ~~may be prepared and submitted to Govt. as early as possible~~

AG
18 3 04

PH
16/3/4

AG
16.3.4

To the Govt Solicitor.
with Gos: 307/24-6-03 & 624/15-12-03 (sent subsequently vide End 4980)

Educational Dept.

9

O.M. No. 133 dt 16-3-4

With ref. to his letter Ref. on eno. 1904/P.03 dated 12th March 1904, the Collector of Malabar is informed that the Govt. solicitor is preparing a draft of the agreement which the Basel Mission Educational Council has to execute under section 41 of the Land Acquisition Act, 1894. ~~and that~~ As soon as that agreement ~~is~~ has been executed by the Council the land acquired for the Council ~~will~~ may be handed over to it.

Desp 16/3/4

T.K. 15-3-04

15/3/4

16.3.4

16.3.04

To

The Coll of Malabar.

Desp 16/3/4

Est CURRENT No. 498

No. 234

10

MADRAS 16th March 1904.

SECRETARY TO GOVERNMENT, LOCAL & MUNICIPAL DEPARTMENT.
18 MAR 1904.

FROM,

SUTHERLAND ORR,
GOVERNMENT SOLICITOR,
MADRAS.

TO,

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
EDUCATIONAL DEPARTMENT.

SIR,

I have the honor to acknowledge receipt of your Memorandum of todays date No.132.

2. I shall be obliged if you will return to me the enclosures forwarded with your Memorandum of the 1st instant No.87 and sent back with my letter of the 8th instant.

I have the honor to be,
Sir,
Your Obedient Servant,
Sutherland Orr
Government Solicitor.

Educational (1904) Department.

CURRENT No. 507

11

From

[Name]

[Designation] The Government Solicitor Madras.

[Station]

No. 243

Dated 19. 3 1904

Enclosures

Received 21. 3 1904

Registered 21. 3 1904

SUBJECT.

Requesting to be furnished with further information in connection with the preparation of a draft agreement to be entered into by the Basel Mission Council.

BACK PAPERS.

Memo 132/04 & connected papers

FURTHER PAPERS.

21/3/4

No. 243.

MADRAS, 19th March 1904.

FROM,

SUTHERLAND ORR,
GOVERNMENT SOLICITOR,
MADRAS.

SECRETARY TO GO
21 MAR 1904
L & MUNICIPAL DEPARTMENT

TO,

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
EDUCATIONAL DEPARTMENT.

SIR,

I have the honor to acknowledge receipt today of your Memo of the 18th instant No.498 with its enclosures.

2. I note from your memo of the 16th instant No.132 that the land was acquired not for a Company but for a public purpose but as in your memo No.87 of the 1st instant it was stated that it was at the request of the Company that the land was acquired, the question of the validity of the proclamation seemed to me to arise.

3. I regret to say I still find difficulty in carrying out your instructions as if the land has been already validly acquired by Government for a public purpose, there seems no necessity for any agreement to be prepared with reference to Section 41 of the Land Acquisition Act 1884 or for any further proceedings under the act, the proper deed being a conveyance of the land to the Company for the consideration and upon the terms arranged.

4. I see such a transfer appears to be contemplated in the note of 1st December 1903 amongst the papers which I herewith forward for reference and return to me with your further instructions.

Judicial
80 1924
17-12-03.

5. I shall be glad to see the Memo and Articles of the Company before completing the required conveyance.

I have the honor to be,
Sir,
Your Obedient Servant,
Sutherland Orr
Government Solicitor.

EDUCATIONAL DEPARTMENT.

13

READ AGAIN G.O., No. ...., dated 190
" " " " ...., " 190

READ ALSO :—

C. No. 278, From the Collector of Malabar, No. 1914, dated 13th Feb. 1904.
" " ...., " " ...., " ...., " 190
" " ...., " " ...., " ...., " 190

ORDER No. 649, dated 5th April 1904.

mis

The Govt. of India will be requested to ~~trans~~ sanction the transfer of the land to the mission.

Al/28.3.04

Desp the letter at once & also the file to me

5/4/04

D.B.
20/3/4

No. 650
5-4-04

Letter to

The Secy to the Govt. of I.
Dept of Rev. & Agri.

Sir,

The Basel German mission maintains a school at Calicut

Desp
5/4/04

Calicut in the district of Malabar. It was established in 1848 and has been aided from Provincial funds since 1867. It has been an Upper secondary School since 1879; ~~and~~ its strength on the 31st. March last was 598; ∨ The mission intends to add a College department to the institution. ~~before long.~~ The building occupied ~~by~~ ~~it~~ was extended in 1899 with the help of grants from Provincial and Municipal funds but the accommodation thus provided is still insufficient and there is no further building room on the premises. The mission is therefore anxious to construct an entirely new building on a fresh site.

2. The owner of the site selected for the purpose was prepared to sell it to the mission but being a Malabar Stanam holder she could not alienate the property or give a valid title to the vendee. In these circumstances the mission requested

requested Govt. to acquire the site ~~first~~ under the Land acquisition act, 1894, and the Governor in Council has so acquired it. The Basel Mission institution at Calicut is ~~[illegible]~~ now an Association formed under the Indian Companies Act, 1882, and is registered as a Company under the name of the "Basel Mission Educational Council, Calicut." No agreement has yet been executed by this Council as required by section 41 of the Land acquisition Act, 1894, but one is ~~now~~ being drawn up and a copy of it will be submitted to the Govt. of India after it has been duly executed. ~~Meanwhile~~ The Council has paid the compensation ~~awarded~~ amounting to Rs 12161 awarded for the land which now vests in Govt. and which has ~~known~~ to be formally transferred to the Council. The extent of ~~the extent~~ the land is 6.44 acres and as its value exceeds Rs 10000 the transfer requires the sanction of the Govt. of India which I am directed to request may now be accorded.

28.3.04

7/3/4

Add.

The land will be made over to the Council only on condition that it will revert to Govt. sh'd it be used for other than educational purposes without the consent of Govt.

1/4/4.

30/8

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

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

CURRENT NO.

ENCLOSURES TO C. NO.

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

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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