

Scott II-27-58,004-4-11-46.

Education and Public Health

(194₇) Department.

MS. SERIES.

G.O. NO. 2076 Edn.,

Dated 26-9-1947.

[Despatch Abstract.]

Suit-Madura District Proceedings before the Rent Controller, Dindigul
R.R.C.O. 33 of 1946-Defence of the Deputy Inspector of Schools,
Palni Range-Sanctioned.

Back Papers.

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

Further Papers.

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

Copy of letter Roc. 898-A2/46 dated 3--4--1947 from the Director of Public Instruction, Madras.

Buildings - Private - Office of the Deputy Inspector of Schools, Palni - Payment of Pleaders' Fees for contesting the application for eviction - sanction requested.

The office of the Deputy Inspector of schools, Palni is accommodated in a portion of a private building. Early in 1946 the ownership of the building changed and the new owner, one Doctor T.K. Venkateswara Iyer, put in, under section 7-A2(1) of the Madras House Rent Control Order, 1941, an application before the Sub Collector and Rent Controller, Dindigul, for the eviction of the Office of the Deputy Inspector of Schools. A copy each of the owner's application and of the Rent Controllers' orders thereon, ARC.o.33/46 dated 8-8-46, is submitted herewith.

2. The owner's application for eviction was contested on behalf of Government, by the pleader doing Government work at Dindigul. The pleader claims a fee of Rs. 100/- (Rupees One hundred only) for his work in this connection. An extract from his letter dated 8-3-45 to the District Educational Officer, Madura, is given below for the information of Government:-

"I am sure you will be in a position to appreciate the volume of work involved and the time spent in studying the papers and preparing an objection statement on the material available before me at the time, the lengthy letter in incorporating my views in the matter, and my appearance in the Court on two days, Viz. 30-7-46 and 7-8-46, and the time spent in discussing the matter with the Deputy Inspector and the Personal Assistant and the importance of the matter, and in the circumstances, will be pleased to sanction payment to me of a fee of Rs. 100/- ~~max~~ for my work in this connection. A sum of Re. 1/- spent for Vakalat may kindly be sanctioned to be paid to me."

3. The Government Pleader, Madura has stated that no scale of fees has been fixed for this matter in the rules framed under the Legal practitioners Act. The Collector of Madura has advised the payment of a fee of Rs. 50/- (Rupees fifty only) to the Pleader for his work in the matter. A copy of the Collector's letter L.Dis. 188 G/47 dated 11-3-47 to the District Educational Officer, Madura is also submitted herewith.

4. In the circumstances I request that Government may kindly sanction the payment of a fee of Rs. 50/- (Rupees fifty only) to the Pleader for Government work, Dindigul for his services in the case referred to.

Sd.
for Director of Public Instruction.

Copy of Complaint:

In the court of the Sub Collector, Dindigul.
Rent Control Petition No. of 1946.

Between T.K. Venkateswara Iyer ---
And K. Ramalinga Iyer - Respondent.

Petition put in under section 7-A.2(1) of the Madras House Rent Control Order 1941, most respectfully sheweth as follows:

Petitioner: T.K. Venkateswara Iyer, L.M.P., son of T.A. Krishna Iyer, Registered Medical Practitioner residing in Palni Town.

Respondent: K. Ramalingam, Deputy Inspector of Schools, Palni Range, residing in Palni Town.

1) The petitioner is the sole owner of the premises described below. The said premises along with the adjoining premises etc. were purchased by the petitioner under a registered sale-deed dated 22-2-1946 produced herewith. The petitioner is the land lord entitled to

receive the rent for the premises in the occupation of the respondent.

- 2) The respondent is now the tenant in occupation of the premises described below.
- 3) After the sale in favour of the petitioner, he intimated the fact to the respondent and demanded payment of the arrears of rent to him, from 1--3--1946.
- 4) The arrears of rent from 1--3--46 have not yet been paid in spite of demand.
- 5) The house requires immediate repairs and there are cracks in the terrace and if the same is not repaired before the rains set in the petitioner will be put to heavy loss.

It is therefore prayed that this Hon'ble court may be pleased to direct the respondent-tenant to put the petitioner-1 and lord in possession of the house and thus render justice.

(True copy)

Copy of: Proceedings of the Rent Controller and Sub-Collector,
Dindigul.

Present, K.M. Nanagopalan Esq. M.A., I.C.S. Rent Controller.
Petitioner: T.K. Venkateswara Iyer, L.M.P son of T.A Krishna Iyer,
residing at Palni town.
Respondent: Ramalingam - Deputy Inspector of Schools, Palni Range
at Palni Town.

ORDER: A.R.C. o. 33/46

T.K. Venkateswara Iyer, the petitioner, is the owner of a house in Palni, and the office of the Deputy Inspector of Schools is located in this house. The petitioner states that the Deputy Inspector of Schools have been tardy in the payment of rent and therefore wants to evict him when this petition came up for eviction if the petitioner agreed not to press this petition for eviction if the Deputy Inspector of Schools would pay rent regularly and would pay the arrears in four weeks. The petitioner also insisted that he would be allowed to have access to the building for carrying out certain repairs. There two conditions seem reasonable and hence a conditional order has been passed 1) The Deputy Inspector of Schools is to pay all arrears of rent within four weeks from to-day and will allow the petitioner all reasonable access for carrying out repairs. If any of these conditions is violated then the petitioner will be allowed to evict the respondent.

K.M. Rajagopalan,
Sub-Collector and H.R.C.

Copy of: Letter L.Dis.No.188 C/47 dated 11th March 1947 from the
Collector of Madura to the District Educational Officer, Madura.

Sub: Law Officers - Pleader for Government, Dindigul -
appearance in a Rent Control application before
the Rent Controller, Dindigul on behalf of the
Education Department - Fees - Payment of.

Ref: Your Roc. No. 1474/46 dated 28-2-1947

A sum of Rs. 50/- (Rupees fifty only) may be paid as fees to the Pleader for Government, Dindigul, for his work in the Rent-Control application.

Y.R. Krishnaswami,
for Collector.

(TRUE COPY)

Memorandum - 27729-B1/68

Edin. 18-4-49. John P. H. Apple (B).

Buildings - Private - Office of the
Deputy Inspector of Schools, Palni - Payment of pleaders fees for
contesting the application for eviction.

From the WPI:- No. 898 A2/46 d 3-6-47.

From the proceedings of the rent

p2-3d Controller and Sub. Collector, Dindigul R.R.C.O. 33/46, Copy of which has been sent with the D.P.I.'s letter cited above, it is observed that ^{submitted a} the ~~petition~~ ^{petition} for eviction ~~came out~~ ^{because} of the ~~fact~~ ^{fact} that the Rep. Inspector was irregular in the payment of rent and also did not ~~allow~~ ^{allow} the owner to enter the house to carry out certain repairs. The Director is requested to ~~get information~~ ^{report} ~~the reasons~~ ^{the reasons} ~~the Rep. Inspector failed to pay~~ ^{for not paying} the rent regularly and ~~also why he did not allow~~ ^{not allowed} the owner to enter the house to carry out the repairs.

For $\frac{R_1}{100\%}$ how $\frac{R_2}{100\%}$

new $\frac{R_1}{100\%}$ ✓ $\frac{R_2}{100\%}$ 4/47

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12/12/20

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30/10 1977 - on a night

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memo No 27729 A3/4) Edu a. 13-6-47.

Buildings - Private - office of

the Deputy Inspector of Schools, Palni - Payment of pleader's fees for contesting the application for eviction.

h1 - 2d
h 3 of.

Read: ~~From the RFI No. 895 A2/4693449~~
Gulf memo No. 27729 A/47 1044 184/47

The ^aAttention of the ASI is
 wanted to the Govt memo cited, and he is requested
 to state when his reply may be expected. ~~Re: 11~~

$\frac{PQ}{12/6}$
 To
 Meadi
 ✓ 18/6/67
 Sep 2
 26/6

20/6/19

7

6 - JUL 1947

4

POST
From The
6 - JUL 1941
The
SUBSCRIPTION AND PUBLIC HEALTH DEPARTMENT
Subj: - Buildi

55450

- p 5 ante

VAR $\rightarrow \frac{1}{51}$

E. L. P. H. Dept.

(A)

reply may
RBC 9/1/67
1/10/67
9/2/67

13/11/67

EDUCATION DEPARTMENT.

Received 19 .. Registered 19 ..

Subject.

BUILDINGS = Private = Office of the Deputy
Inspector of Schools, Palni = Payment of
Pleader's Fees for contesting the appli-
cation for eviction: ***

ENCLOSURES.

No.

Spare copies

ROC. No. 898 A.2/46

Station M A D R A S, Dated the 12th August 19 47.

From (Name) SRI D.S. REDDI, M.A. (Oxon),
(Designation) DIRECTOR OF PUBLIC INSTRUCTION, MADRAS

To The Secretary to the Government of Madras,
EDUCATION AND PUBLIC HEALTH Department.

Sir,

REF:- Government Memorandum No. 27729-A.1 Edn.,
dated the 18th April 1947.

I have the honour to report that there was some delay in paying the rent for March 1946 and subsequent months owing to the change in the ownership of the building and the necessity of obtaining the usual P.W.D., Certificate before claiming the first month's rent in the year. The present owner purchased the building on 22nd February 1946 but did not give intimation thereof to the Deputy Inspector until 30th April 1946. As the opinion of the Government Pleader had also to be obtained for paying the rent to the owner and as the owner would not readily agree to the production of the Title Deeds, the matter was further delayed. In the meantime, the owner acted hastily and filed in June 1946 an application for eviction of the office exaggerating the delay caused in the payment of rent.

2. The owner was not at all prevented from entering the house to carry out repairs. His allegation in this regard is baseless. The residential portion of the building was not under the Deputy Inspector's control and the owner did not approach the Deputy Inspector to carry out any repairs to the office portion.

3. I request the early orders of Government regarding the payment of the pleader's fees in this case.

R. Narasimhan
for Director of Public Instruction.

KAN.13/8

Kan. 13/8

C.No. 27729 Lr. from the D.P.I. No. 898 A2/46 dated 3-4-47

Buildings - Private, Office of the Deputy Inspector of schools, Palni - Payment of pleader's fees for contesting the application for eviction.

This is a case of Legal assistance to a Government servant (viz.) Deputy Inspector of Schools, Palni Range and may be transferred to the Legal Dept.

2. From the order of the Rent Controller and Sub-collector on pp. 2-3 c.f., it is observed that the Dy. Inspector of Schools was asked to vacate the building because he had not paid the rent regularly and that the owner was not allowed access to the building for carrying out certain repairs. The building was taken on rent for locating the Dy. Inspector's office and the rent should have been paid from Govt. funds. It is not clear why the Dy. Inspector failed to pay the rent regularly and why he denied access to the owner to carry out the repairs. The D.P.I. may be asked to furnish this information.

A draft memo to the D.P.I. is submitted.

M.V. Subramanian,
18-4-47

Edwin P. H. H. H.
A.

Legal U.O.

EPH U.O.
NO 27729 A2/46 Edn
24.6.47

True copy

M. V. Subramanian
Supdt.

From

Dr. S.R.U. Savor, M.A., D.Sc., I.E.S.,
Director of Public Instruction,
Madras.

To

The Secretary to Government,
Education and Public Health Department,
MADRAS.

Sir,

Sub: Buildings - Private - Office of the Deputy Inspector of Schools, Palni - Payment of Pleaders' fees for contesting the application for eviction - sanction requested.

The Office of the Deputy Inspector of schools, Palni is accommodated in a portion of a private building. Early in 1946 the ownership of the building changed and the new owner, One Doctor T.K. Venkateswara Iyer, put in, under section 7-A2(1) of the Madras House Rent Control Order 1941, an application before the Sub Collector and Rent Controller Dindigul, for the eviction of the Office of the Deputy Inspector of schools. A copy each of the owner's application and of the Rent Controllers' orders thereon, ARC.o.33/46 dated 8.8.46, is submitted herewith.

2. The owner's application for eviction was contested on behalf of Government, by the pleader doing government work at Dindigul. The pleader claims a fee of Rs.100/- (Rupees One hundred only), for his work in this connection. An extract from his letter dated 8.3.46 to the District Educational Officer, Madura, is given below for the information of Government:-

"In an sure you will be in a position to appreciate the volume of work involved and the time spent in studying the papers and preparing an objection statement on the material available before me at the time, the lengthy letter in incorporating my views in the matter, and my appearance in the Court on two days, Viz. 30.7.46 and 7.8.46, and the time spent in discussing the matter with the Deputy Inspector and the Personal Assistant and the importance of the matter, and in the circumstances, will be pleased to sanction payment to me of a fee of Rs.100/- for my work in this connection. A sum of Rs.1/- spent for Vakalat may kindly be sanctioned to be paid to me."

3. The Government Pleader, Madura has stated that no scale of fees has been fixed for this matter in the rules framed under the Legal practitioners Act. The Collector of Madura has advised the payment of a fee of Rs.50/- (Rupees fifty only) to the Pleader for his work in the matter. A copy of the Collector's letter L Dis.188 G/47 dated 11.3.47 to the District Educational Officer, Madura is also submitted herewith.

4. In the circumstances I request that Government may kindly sanction the payment of a fee of Rs.50/- (Rupees fifty only) to the Pleader for Government work, Dindigul for his services in the case referred to.

~~Sam R. U. Savor~~

~~Legal - 100~~

For Director of Public Instruction.

P.R.8/4.

P.T.O.

14/24
COPY OF PLAINT:

In the court of the Sub Collector, Dindigul,
Rent Control Petition No. of 1946.

Between: T.K. Venkateswara Iyer .. Petitioner.

And: K. Ramalinga Iyer .. Respondent.
....

Petition put in under Section 7-A.2(1) of the Madras
House Rent Control Order 1941, most respectfully sheweth as
follows:

Petitioner: T.K. Venkateswara Iyer, L.M.P., son of
T.A. Krishna Iyer, Registered Medical Practitioner residing
in Palni Town.

Respondent: K. Ramalingam, Deputy Inspector of Schools,
Palni Range, residing in Palni Town.

- 1) The petitioner is the sole owner of the premises described below. The said premises along with the adjoining premises etc. were purchased by the petitioner under a registered sale-deed dated 22.2.1946 ~~by the petitioner under a registered sale-deed~~ produced herewith. The petitioner is the land lord entitled to receive the rent for the premises in the occupation of the respondent.
- 2) The respondent is now the tenant in occupation of the premises described below.
- 3) After the sale in favour of the petitioner, he intimated the fact to the respondent and demanded payment of the arrears of rent to him, from 1.3.1946.
- 4) The arrears of rent from 1.3.1946 have not yet been paid in spite of demand.
- 5) The house requires immediate repairs and there are cracks in the terrace and if the same is not repaired before the rains set in the petitioner will be put to heavy loss.

It is therefore prayed that this Hon'ble court may be pleased to direct the respondent-tenant to put the petitioner-land lord in possession of the house and thus render justice.

/True copy/

COPY OF:

Proceedings of the Rent Controller and Sub-Collector,
Dindigul.

Present: K.M. Rajagopalan Esq., M.A.I.C.S., Rent Controller.

Petitioner: T.K. Venkateswara Iyer, L.M.P. Son of T.A. Krishna Iyer
residing at Palni town.

Respondent: Ramalingam - Deputy Inspector of Schools, Palni Range at
Palni Town.

ORDER: R.R.C.O. 33/46.

X
T.K. Venkateswara Iyer, the petitioner, is the owner of a house in Palni, and the office of the Deputy Inspector of Schools is located in this house. The petitioner states that the Deputy Inspector of schools have been tardy in the payment of rent and therefore wants to evict him when this petition came up for eviction if the petitioner agreed not to press this petition for eviction if the Deputy Inspector of Schools would pay rent regularly and would pay the arrears in four weeks. The petitioner also insisted that he would ~~pay the arrears~~ be allowed to have access to the building for carrying out certain repairs. These two conditions seem reasonable and hence a conditional order has been passed 1) The Deputy Inspector of Schools is to pay all arrears of rent within four weeks from to-day and will allow the petitioner all reasonable access for

15/5
for carrying out repairs. If any of these conditions is violated then the petitioner will be allowed to evict the respondent.

Sd/ K.M. Rajagopalam.

8.8.46.

Sub Collector and H.R.C.

COPY OF: Letter L Dis No.188 C/47 dated 11th March 1947 from the
Collector of Madura to the District Educational Officer,
Madura.

Subject: Law Officers - Pleader for Government, Dindigul - Appearance in a Rent Control application before the Rent Controller, Dindigul on behalf of the Education Department - Fees - Payment of -

Reference: Your R.O.C. No.1474/46 dated 28th February 1947.

B | A sum of Rs.50/- (Rupees fifty only) may be paid as fees to the Pleader for Government, Dindigul, for his work in the Rent-Control application.

Sd/ Y.R. KRISHNASWAMI,
For Collector.

(TRUE COPY).

For Director of Public Instruction.

P.R.8/4.
SVL
9/4

LEGAL DEPARTMENT.

Legal assistance - Madura district - Proceedings before the Rent Controller, Dindigul, R.R.C.O.33 of 1946 - Defence of the Deputy Inspector of Schools, Palani Range - Pleader's fee - Sanctioned.

Read: Letter from the Director of Public Instruction, R.O.C.898-A2/46 dated 3-4-47.

G.O.No.Ms. dated

H.E. the Governor sanctions the payment of a sum of Rs.50/- (Rupees fifty) only to the pleader doing Government work, Dindigul, for his services in connection with the defence of the Deputy Inspector of Schools, Palani Range, in the eviction proceedings before the Rent Controller, Dindigul, in respect of the affairs of the Dy Inspector.
2. The expenditure sanctioned in paragraph 1 above will be debited to "27.b. Administration of justice- Law Officers - D.Contingencies-Voted - Fees to pleaders not in Government service and other charges!"

To
The D.P.I., Madras.
Copy to the Collector of Madura.

Copy to the pleader doing Government work, Dindigul, through the Collector, Madura.

Copy to the Accountant-General, Madras through the Finance Department.

Copy to the E.&P.H. Dept.

29.10.47
H/L/F

18

DRAFT FOR APPROVAL.

43/26/19

	Date.	Initials.	SUBJECT:—
When received for fair copying ..			Suit - Madras District - Proceedings before the Rent Controller, Dindigul R.R.C.O 33 of 1946 - Defence of the Dy. inspectors of Schools, Palni Range. Sanctioned -
When copied ..			
When examined..			
When signed ..			
When despatched.			

READ AGAIN .., dated .. 19 ..

" " .. " .. 19 ..

READ ALSO:—

cf No. From the D.P.S. Rec. No. 898-42/46 dated 3.4.1947

" " " " 19 ..

" " " " 19 ..

Order Ms. No. Edu 2076 dated 26.9.1947
Resolution-Rent.

It is the Governor's sanction the payment of a sum of Rs 50 (rupees fifty only) to the pleader doing court work, Dindigul, for his services in connection with the defence of the Deputy inspectors of Schools, Palni Range, in the eviction proceedings before the Rent Controller, Dindigul, in respect of the office of the Dy. inspectors.

2 The expenditure ~~will be debited to~~ "27 b. Admin. of Justice - Law Officers - D. Contingencies - Voted - Fees to pleaders not in Govt. service and other charges".

To the D.P.S. 10/11/27/8/47
Copy to the collector of Madras
Copy to the pleader doing Govt. work, Dindigul
(Also the collector of Madras in the A.C. (two times) - 27/2/49

Edna P. H. Sept. 1947

hid

C. NO. 27729. Letter from the PPL. No. 898 A2/46 of 3-4-47.

Buildings - Private - office of the Deputy Inspector of Schools, Palni. - Payment of Pleader's fees for contesting the application for eviction -

This is a case of legal assistance to a Govt servant (viz) Deputy Inspector of Schools, Palni Range and may be transferred to the legal dept.

2. From the order of the Rent Controller and Sub-collector on p2-3 of, it is observed that the Deputy Inspector of Schools was asked to vacate the building because he had not paid the rent regularly and that the owner was not allowed access to the building for carrying out certain repairs. The building was taken on rent for locating the Deputy Insp's office and the rent should have been paid from Govt funds. It is not clear why the Deputy Insp failed to pay the rent regularly and why he ~~object~~ denied access to the owner to carry out the repairs. The DPI may be asked to furnish this information.

A draft memo to the DPI is submitted. ~~Report must be~~

26/4/47 /my
16/4/47

17/4/47 S / 18/4/47 / 19/4/47 (a.c.)

A copy of this note and the of in or (retains a copy) will be sent to legal.

[Dated as V.O. No. 27729-A/47 Edn of 21-4-47].

2

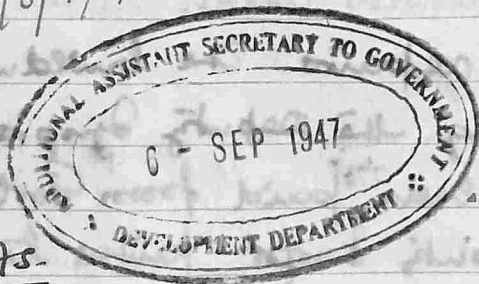
71

b. No. 66260-A Jan the D.P.S. No. 89842/468 12.8.47. p 9 cf

Please see the D.P.S. reply on pages 9-10 cf
in the circumstances stated no action need be taken
against the Dy inspector concerned.

2 in the linked file Legal has stated
that the order regarding payment of fees to
the pleader who defended the suit has to be
issued in this dept. A draft order is subd.

3 the draft order may be sent to Dev,
Home and Fin for acceptance.

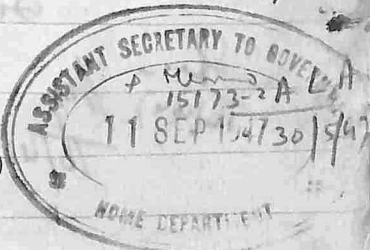


To AS.

The draft order may be perused and the file passed
on to Home.

7-9-47

Please see pp 1-2 cf. and the draft order below.
The memo at pp 9-10 cf of ① sets out the position
regarding the fees to be paid to pleaders appearing
in Rent Control Cases. The Collector of Madras
has recommended that the pleader doing work
at District may be paid Rs 50/- for this

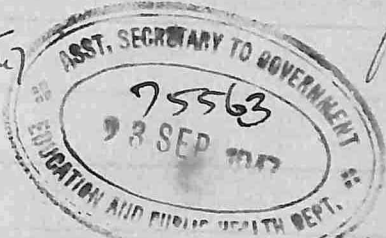
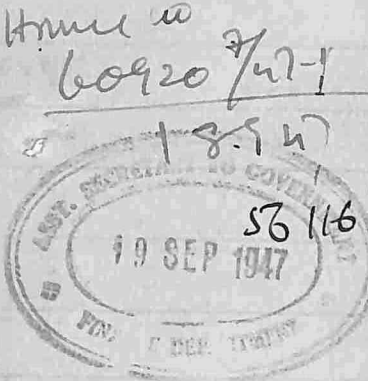


appearance in this case. Presumably the head
consulted the Rent Controller (Sub-collector, District)
also while making this recommendation. The
draft order below may be accepted in this Dept and
the case passed on to Finance
10/9/47 17.9.47 Fin

Fin (Pen)

Please see the notes on H-1-3 above.

The draft order below may be accepted
and the case returned to E of H.



The draft order may issue

24/9/47 25/9/47

E.P.H. No. 27729-A4

4.9.47.

60920

115.

60920/47 109.47

Legal assistance - Madura district - Proceedings before the Rent Controller, Dindigul - R.R.C.O. 33 of 1946 - Defence of the Deputy Inspector of Schools, Palani Range - Pleader's fee - Sanction.
Ref: Letter from the Director of Public Instruction, R.O.C. 898-A2/46, dated 3-4-47.

A.S.I.

1. Please see the letter of the Director of Public Instruction at page 3 c.f.

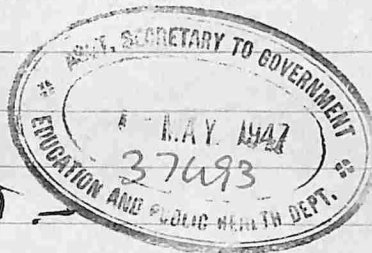
2. The facts of the case are briefly set out in the letter of the D.P.I. at page 3 c.f. For the reasons stated in paragraph 3 of his letter, the recommendation of the D.P.I., and the Collector of Madura may be accepted and a sum of Rs.50/- may be sanctioned to the pleader doing Government work, Dindigul, in connection with the defence of the Deputy Inspector of Schools, Palani Range in the above proceedings. The copy of the order of the Rent Controller, Dindigul, is at X on pages 4 - 5 c.f.

3. A draft order is submitted. The E.&P.H., Home and Finance Departments may see for acceptance of the draft order.

It was quite unnecessary to have engaged a pleader for contesting an application before the Rent Controller. The Dy Insp. might have himself presented his counter, and explained his position to the Controller. The legal assistance rules do not contemplate the grant of assistance in cases of this nature. Even assuming that it was in effect a defence on behalf of the Govt, the engagement of a pleader is unnecessary in such cases. The officers concerned may present a counter and appear in person or through an authorised subordinate official to explain any facts.

Further, neither the sanction of the Govt, nor that of the Comr or D.P. appears to have been received for the engagement of the pleader in this case. As the thing has already been done, the Govt may sanction the fee recommended in this case.

Remarks of Mr. Home and his may be invited in regard to the procedure to be adopted for future cases of this kind - please see A in previous page.



30/4/47

Discussed with Secy. This is not a case of coming under the Legal Code Rules but is mainly a procedure of Govt, represented by the Dy Comr - as reported by me at 4 in p 1 ante. In that case it is the Administrative Dept which has come out as in the file. The file may be returned to Expt. 11.

Legal No. 4038/47-1
30.4.47

30/4

Edna H. (A.)

Please see the notes of the legal Dept above.

~~and to state. In the circumstances anticipated, legal Dept~~

~~agree for the payment sanction of the fee recommended in the case. Draft order submitted. On file in the~~

~~sent to Home of legal/finance for acceptance~~

(C. 5/5/47) Legal says that the case has to be dealt with in this dept. In the linked file a report has been called for from the D.P. about certain points. It seems that this may be over till the report is ready.

13/5/47

Please see note and draft in top file

27/8/47

(4)
11/5/47
6/50
1-11-51 DT

13