

Education and Public Health

Panda
Scott II-27-53,004-4-11-43.
(1947) Department.

Ms. **SERIES.**

G.O. NO. 2281 Edn.,

Dated 28-10-1947.

[Despatch Abstract.]

Land Acquisition-Tanjore District-Mannargudi Taluk-Nidamangalam village-
Lakshmi Vilas Higher Elementary School-Extension and provision of garden,
playground etc.-Declaration under section 6 of the Act-Published.

Back Papers.

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

Further Papers.

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

REVENUE DEPARTMENT

Subject

LAND ACQUISITION (TANJORE) - Mannargudi Taluk - 22. Chatram
Inam Nidamangalam village - Lakshmi vilas higher Elementary
Schools - Extension and provision of garden, play-ground etc. -
Draft Declaration - Submitted.

REF. I. 4246/47-1.

Dated 15 Sept. '47.

From

C.A. Ramakrishnan Esq., I.C.S.,
Joint Secretary to the Board of Revenue.
V.N. Kudva Esq., C.I.E., I.C.S.,
Commissioner of Land Revenue, Excise and Prohibition.

Read: From the Collector, Tanjore R. Dis. 24802/46 d/19-8-'47.

REFERENCE:

Submitted to the Government.

2. The Board agrees with the Collector and recommends that
the objections to the acquisition may be over-ruled and that the
draft declaration under sec. 6 of the Land Acquisition Act submit-
ted by the Collector may be approved and ordered to be published
in the Fort St. George Gazette.

for JOINT SECRETARY.

To the Secretary to Government (E & P. H. Department), with
enclosures.

TMD. 16/9.

From
H.C.M. McLaughlin Esq.,
Collector of Tanjore,
Tanjore.

To
The Secretary, Board of
Revenue, Land Revenue and
Irrigation, Madras.

R. Dis. 24802/46 dated 19-8-1947.

Sir,

Sub: Land Acquisition (Tanjore) - Mannargudi taluk -
22 chatram Inam M. damangalam village - Laksmi
Vilas Higher Elementary school - extension and
provision of garden, play-ground, etc. - report
under section 5-A and declaration under section
6 of the Land Acquisition Act - Submitted.

Ref: G.O. M.S. 279, Education and Public Health Depart-
ment, dated 18-2-1947.

The notification under section 4(i) of the Land
Acquisition Act was published at page 142, Part I-B of the
Fort St. George Gazette dated 4-3-1947. The notices under
sections 4(i) and 5-A were published and served according
to the rules. The Executive Officer of Sri Kasi Viswanatha
swami Devasthanam who is the notified owner of the land to
be acquired presented an objection petition through his
pleader on 10-4-1947. The date fixed for the enquiry under
section 5-A. His objections are (1) that there was a propo-
sal to take over the management of the school by the Devas-
tanam and that the Land Acquisition proceedings might
therefore be deferred till 1-7-1947 and (2) that the site
to be acquired is required for halting the deity during
the annual festival every year.

2. From the further statement of the Executive
Officer, of the Devasthanam before the Revenue Inspector on
15-6-1947, it is seen that the practice of halting the
deity has ceased long ago, and that the Executive Officer
wants to revive it. He adds that in case this is revived
the deity will have to be halted for a few hours in some
premises and that as the school site belongs to the Devas-
tanam, he proposes to halt the deity in the school premises.

3. (i) In accordance with the wishes of the Exe-
cutive Officer of the Devasthanam, the Manager of the school
agreed to defer the acquisition proceedings till 1-7-1947
to see if the Devasthanam is sincere in taking over the man-
agement of the school. Nothing has, however, happened so far.

(ii) As regards the second objection, the
Tahsildar reports that the practice so far in vogue is to
take the deity through the street every year during the fes-
tival time and not to halt it at any place. Even from the
statement of the Executive Officer, it is evident that a
supposed practice which is extinct is proposed to be revived.

4. In the circumstances explained above, the two
objections deserve no consideration and may be therefore
over ruled. The objection petition, topo sketches and
other connected enclosures are submitted.

5. There is no variation in extent. The site to
be acquired belongs to Sri Kasi Viswanatha Swami Temple
covered by T.D. No. 694 represented by the Executive Officer,
Sri K. A. Chidambaram Pillai. In the notification under sec-
tion 4(i), the name of "Sri Santhana Rameswami" was wrongly
noted as one of the owners. It has since been deleted.
There is no other variation between the notification under
section 4(i) and the declaration under section 6.

6. The land to be acquired is a minor inam covered
by T.D. No. 694 in the entire inam M. damangalam village and
is classed as Nathan in the Record of Rights Register. There
are no religious buildings, tombs, grave yards, etc. on it.
I request that the declaration under section 6 of the Land
Acquisition Act enclosed may be approved and ordered to be

published in the Fort Saint George Gazette. A copy of the conditions of alienation agreed to by the Manager was submitted to the Government along with the draft 4(i) notification. Another copy is enclosed for ready reference of the Board of Revenue.

Balraj Thomas.
For Collector.

rs/22/8

B. Thomas
For Collector.

List of enclosures.

1. Declaration under section 6 of the Land Acquisition Act - 1 copy.
2. Objection petition of the Executive Officer dated 9-4-1947
3. Topographical sketches - 2 copies.
4. Letter of the Manager of the school dated 15-4-47.
5. Copy of the Report of the Tahsildar of Mannargudi D.D. 11945/46 dated 5-5-47.
6. Served and Published copy of the S.A notice.
7. Statement of the Executive Officer, before the Revenue Inspector, Widamangalam dated 3-5-47.
8. Statement of the Manager of the school before the Revenue Inspector dated 4-5-47.
9. Statement of Nataraja Pillai before the Revenue Inspector Widamangalam dated 1-5-47.
10. Statement of the Executive Officer before the Revenue Inspector Widamangalam dated 15-6-47.
11. Extract of paragraphs 1 to 3 of the Revenue Divisional Officer's report R. Dis. 11833/46 dated 31-7-47.
12. A copy of the conditions of alienation agreed to by the Manager.

9 (4) 6
Copy of letter D. Dis. 11945/46 dated 5-5-47 from the Tahsildar Mannargudi to the Revenue Divisional Officer, Mannargudi.

Sub: Land Acquisition - Mannargudi taluk - Vidamangalam village - provision of a play ground and garden to Lakshmi Vilas Higher Elementary school. objection of the Executive Officer - Report submitted.
Ref: Your Re. 11833/46 dated 11-4-1947.

The main objection of the Executive Officer of the Devasthanam is that there is a proposal to take ~~over~~ up the management of the school by the Devasthanam and that the question will be decided before the end of June 1947. The Revenue Inspector reports that the Executive Officer has not moved his authorities of the Hindu Religious Endowment Board to accord necessary sanction for taking up the management, as the negotiations between the school authorities and the Devasthanam have not been completed.

As regards the allegation contained in para 3, I submit that it is a fact that the deity is being taken ~~away~~ every year through the street on the day of Kailasa-vakaram and that it has not been the practice so far to allow the deity to halt in the premises in question. The manager of the school does not state that any negotiations for transferring the management of the school to the Devasthanam is in progress but admits that he had heard of some such proposal being under contemplation of the Devasthanam authorities. He also agrees with the other residents of the locality in stating that the deity is usually taken through the streets upto the School but not allowed to halt in the school premises. He however suggests that the acquisition proceedings may be deferred till 1-7-47. The 2nd objection may be over ruled as it is not the practice to take the deity into the premises of the school and allow it to halt there.

3. The topographical sketches called for in triplicate with the statements obtained from the Executive Officer and the Manager are enclosed.

/True copy/

rs/22/8

3/10 Thiruv
23/8/47
For Collector.

22/8

Enclosures

Copy of paragraphs 1 to 3 of R.Dis. 11833.46 dated 31/7/47 from the Revenue Divisional Officer, Mannargudi to the Collector, Tanjore.

Sub:- Land Acquisition - Mannargudi, taluk - 22 Chatram Nam - Nidamangalam village - Lakshmi vilas Higher elementary school - extension and provision of garden playground etc. 5A report and D.D. submitted.
Ref:- Your RC. 24802/46/B7, dated 7/6/47.

In pursuance of G.O. No. 279 education dated 18-2-47 and notification under sec. 4(1) of the Land Acquisition Act published at page 142 of Part 1B of the Fort St. George Gazette dated 14-3-47 notices under section 4(1) and 5A were duly published and served as required by the rules.

2. The executive officer of Sri Kasi Viswanathaswami Devasthanam the notified owner of the land to be acquired presented an objection petition through his pleader on 10-4-47 the date fixed for 5A enquiry. The following objections were set forth in the objection petition.

1. That there was a proposal to take over the management of the school by the Devasthanam and that further proceedings might be deferred till 1.7.47.

2. that the site to be acquired is required for the halting the deity on Kailasavahanam day every year during the annual festival.

Regarding objection 1, the Tahsildar reports that the executive officer has not taken any effective steps to take over the management of the school. As regards the other objection it is reported that the deity is being taken every year as far as the school and that it has not been the practice so far to allow the deity to halt in the premises in question. The proposal to revise the Mandagappadi and making the deity halt at the site for a few hours appears to be far fetched. The manager of the school states that the Devasthanam authorities had been contemplating the taking over the management of the school and had bought time till 1.7.47. He conceded to their wish and requested that the land acquisition proceedings might be deferred till then. There has been no further communication from the Devasthanam and school authorities on the subject, evidently the Devasthanam is not going to take over the school. In the circumstances stated above the objection petition deserves no consideration. The connected records as detailed below are enclosed.

3. I submit herewith the D.D. There is no variation in extent between the 4(1) notification published and the D.D. submitted. The site to be acquired is covered by the T.D. No. 694 Sri Kasi Viswanathaswami represented by the executive officer Sri K.A. Chidambaram Pillai and is

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evidently Nathan private. As the executive officer is common to both the Devasthanam i.e. Sri Santhanaramaswami Devasthanam and Sri Kasiviswanathaswami Devasthanam the names of both Devasthanams were noted in the 4(1) notification. The name of the actual owner Sri Kasi Viswanathaswami Devasthanam is now noted in the Draft Declaration submitted herewith.

/true extract/

SS. 22/3a

for Collector.

Conditions of Alienation

I, R. Somasundaram, Headmaster Sri "Lakshmi Vilas Higher Elementary School" Nidamangalam agree to have the lands and land revenue thereon shown in the schedule attached alienated in my favour as Manager of the above school subject to the following conditions and any additional conditions that may be prescribed by the Government.

General 1. The land shall be used as the site for extension of the school building, school garden playground and latrine and no other purpose.

2. No other building shall be constructed on the land without the previous permission of the District Collector, Tanjore.

3. The entire cost of acquisition of the land will be borne by me as Manager of the above school.

4. The Government may resume the land wholly or in part with any building thereon in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or any other works that may have been executed on the land by the grantee, and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them and if the grantee refuses to remove the buildings when so directed the Government or any officer empowered by them in this behalf shall have power to remove the building and realise the cost of such removal by the sale of the materials.

5. The Government may resume the land wholly or in part with any building thereon if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of acquisition of land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition (less 15 per cent awarded for compulsory acquisition) which ever may be less and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation whichever may be less. If any building is erected or other improvements effected on the land by the grantee in accordance with the terms of the grant, the amount of any grant made by the Government towards the cost of the buildings or other improvements shall be deducted from the compensation payable under these conditions.

6. In the event of voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvement that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant less 15 cent awarded for compulsory acquisitions or the value of the land at the time of relinquishment whichever may be less.

7. Full land revenue shall be levied if at any time any net income is derived from the land, or if any of the conditions of alienation is infringed. In the latter cases the land revenue shall be levied from the date of the infringement.

8. The demarcation and subdivision fees if any shall be collected from the alinee before the alienation is given effect to.

please see p 2 NF

Special conditions applicable to school buildings latrine and playground and garden.

Schools

9. The Government may resume the land wholly or in part with any building thereon, if the recognition of the school already granted is withdrawn.
10. The amount of any grant made by the Government towards the cost of the building shall be deducted from the compensation payable to the grantee in the event of the resumption of the land.
11. The school shall be open to members of all communities.

Buildings

12. The buildings namely school with a latrine attached to it shall be constructed on the land within a period of 2 years from the date of the grant.
13. No buildings other than those specified in condition 12 above shall be constructed on the land without the previous permission of the Collector of the district.
14. In the event of resumption or acquisition of the land no compensation shall be payable for any building constructed in contravention of condition (13) above.

Playground, garden and latrine:

15. The playground and garden shall be formed within a period of 2 years from the date of the grant.
16. No part of the land set apart for the playground and garden shall be built without the previous sanction of the Collector.
17. If there are buildings so constructed with permission, compensation shall be payable as usual.
18. If buildings are constructed in violation of condition 17 above, the land with the buildings shall be resumed without any compensation whatsoever.
19. The latrine shall be constructed within a period of 2 years from the date of the grant on the models approved by the health department.
20. The latrine shall be opened to the staff and pupils of the school and not to the public. And it shall be kept clean and serviceable on the conditions that may be prescribed by the municipal sanitary staff from time to time.
21. Special conditions relating to acquisition of land under the provisions of the land Acquisition Act.

The grantee also agrees to pay the enhanced compensation together with the incidental charges if any that may be awarded by the civil court in the event of the reference under section 18 of the land acquisition Act or any appeal therefrom.

22. To bear also the cost of demarcation of the site in case of fresh or additional demarcation being found necessary.

23. If I refuse to agree to any of the above conditions and additional conditions that may be imposed by the Government or if I fail to deposit the necessary funds with the Revenue Divisional Officer, Mamargudi within 3 weeks after the publication of the draft declaration, I agree to the withdrawal of the land from acquisition and to pay such compensation for damages that may be determined by the Government under section 48(2) of the act. As manager of the above school I also agree to abide by the following conditions:-

1. To use the land for the purpose for which it is acquired viz. for the extension of the school building, school garden, playground, and latrine and for no other purpose.
2. To carry out the purpose within one year after the acquisition.
3. To restore the land to the Government if they so direct on payment of the compensation awarded less 15% for compulsory acquisition or of the value of the land at the time of restoration whichever may be less in the event of my not carrying out the purpose for which the land is acquired within the specified period or of using the land without the sanction of the Government at any time for any purpose other than that for which it is acquired.
4. To pay enhanced compensation together with incidental charges if any be awarded by the civil court in the event of the reference under section 18 of the Land Acquisition Act or an appeal therefrom.
5. To abide by all the conditions of B.S.O. 90 para 6.

sd. R. Somasundaram, 8/10/46
Manager, Lakshimivilas
H. E. school,
Idamangalam.

/true copy/

SS22/8a

for Collector.

His Excellency *of Madras*

UNDER section 6 of the Land Acquisition Act the Governor in Council hereby declares that the land specified below and measuring *0.15* be the same a little more or less, is needed for a public purpose, to wit, for *the extension and provision of a garden and play ground* and under sections 3 and 7 of the same Act, the *Revenue District Officer* is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land. Under sub-section (1) of section 17 of the Act the Governor in Council further directs that the possession of the said land may be taken on the expiry of 15 days from the date of the publication of the notice mentioned in section 9 (1) of the Act. A plan of the land is kept in the office of the *Revenue District Officer* and may be inspected at any time during office hours.

SCHEDULE.

District.	Taluk.	Village.	Description of land, wet or dry, inam or poramboke, with Survey or Paimash number.	Name of owner or occupier.	BOUNDARIES OF THE LAND REQUIRED TO BE TAKEN UP.				Extent to be taken up.
					North.	East.	South.	West.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
<i>Tanjor.</i>	<i>Nannargudi.</i>	<i>22 Chathram Inam Nidamangalam</i>	<i>Nattaram Poramboke. Private R.S. No. 183 B.</i>	<i>Owner: T.D. 194 Sri Kasi Viswanatha Swami represented by the Executive Officer Sri K.A. Chandralekshman Pillai Occupier: R. Somasundaram Pillai Manager: Sakthini Vilas Higher Elementary School, Nidamangalam</i>					<i>0.15</i>

Handwritten signature
for Rev. Dist. Officer.

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1984/576
Mr. Collector

These sections 8 of the Land Acquisition Act, 1894, have been passed by the Government of Madras on the 12th day of March 1947, and the same have been published in the Government Gazette of Madras on the 15th day of March 1947. It is hereby notified that the provisions of the said Act, as amended by the said sections, shall be deemed to have come into force on the 1st day of April 1947.

SCHEDULE

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Rev Dept

To A.S.T

The draft order may be ^{accepted} ~~forwarded~~ and the file returned to E & P. H.

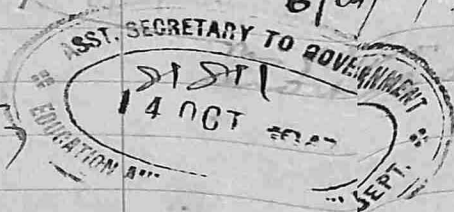
It may be suggested that the end of clause 7.

the following sentence may be added:-

"The decision of the Comr in the question whether a net income is derived from the land or not shall be final."

Through F.W.R. to
H.A. of draft order
at p. 1 ante

RB
6/10/47



AS IV

MS.
9/10/47

11-10-47

EPH (a)

with ref. to the Rev. dept's

Rev no 4129 R/47.1

A above 14.10.47

suggestion above, para (3) of the draft

order has been suitably altered.

For orders whether it may issue as altered.

MS.
26/10/47 S

by
Wm. M.

MS.
20/10/47

MS.
22/10/47