1

E & P.H (1928) Deptt.

[illegible]

G.O. / Ms No 1137 Edn. d 6.5.28

36

Schools – Secondary – Dt. Board, Salem –
Board High School, Kaveripatnam –
Resumption of land from the Kaveripatnam
Panchayat Board for use as playground –
Dispute between the Panchayat Board
and the Dt. Board – Orders passed.

E.P.H. U.O L.A.D

27/2 27/2/46 (2) B1 2.

SALEM DISTRICT BOARD.

LANDS-Krishnagiri Taluk-Kaveripatnam Town Extension-Vacant site adjacent to High School-Resumption from the Panchayat Board and use as Playground-approval of Government-Requested.

ASST. SECRETARY TO GOVERNMENT 28 FEB 1946 EDUCATION AND PUBLIC HEALTH DEPT.

Roc.D2-13873-45.

District Board Office
Salem, 22nd February 1946.

From
Sri.K.A.Nachiappa Goundar,
President District Board, Salem.

To The Secretary to Government,
Local Administration Department,
Fort St.George., Madras.

Sir,

12048.

I enclose herewith a copy of the Resolution No.121(590) dated 22nd January 1946 of the Salem District Board wherein the District Board has resolved to resume the extent of 2.36 acres of land covered by the three S.Nos.adjoining the present premises of the Board High School at Kaveripatnam from the control of the Panchayat Board and to use the same as playground agreeably to the instructions issued by the Government in Memorandum No.23189-C-3 Education dated 17th July 1945 in consideration of the additional space for playground required by this growing High School, and request that the Government may be pleased to approve these proposals.

2. I also enclose herewith a sketch showing the land under occupation by the High School (hatched blue) and the land proposed to be resumed from the Panchayat Board (hatched red).

3. A brief history of the case as well as the circumstances under which the District Board has resolved to resume the lands will be seen in the note appended to the Resolution.

4. Since the Panchayat Board has failed to use the lands for house building purposes for which they were transferred to it, and as additional space for playground is urgently required for the Secondary School, I request that the Government may be pleased to approve the proposals sanctioned by the District Board.

23.2.46.

LOCAL ADMINISTRATION DEPT. 26 FEB 1946 SECRETARIAT

K.V.N. 23-2-46.

21/2 President District Board, Salem.

Extract from the Proceedings of the Ordinary Meeting of the Salem District Board held at Salem on 22nd January 1946.

....

LAND-Krishnagiri Taluk-Kaveripatnam-Town Extension-Vacant site-adjacent to High School-Resumption- Sanction- Requested.

121(590) Note of the President requesting the sanction of the Board for resuming the lands described below which are adjacent to the Board High School Kaveripatnam from the control of the Panchayat Board, for use as playground of the Board High School Kaveripatnam with the sanction of Government.

Note: An extent of 18 acres 60 cents of land in Kaveripatnam village was acquired by the Salem District Board in 1920 for the town extension at a cost of Rs.10,901-[illegible]-0 met from the Government Grant and District Board Funds. Out of this an area of 7 acres 70 cents were originally reserved for the Board High School Kaveripatnam and the remaining area of 10 Acres 90 cents was handed over to the Kaveripatnam Panchayat Board with the sanction of Government in G.O. No.1156-Mis.P.H dated 29th May 1928, free of cost for town extension purposes with effect from 1st November 1928. In the year 1941, a further extent of 1.66 acres of S.No.44/A2.B1B was added to the school site for playground with the sanction of the Collector. Still there is an extent of 2.36 acres of vacant land adjacent to the school on the West S.Nos.44-A-2-B-1A-2.06 acres. 44-A1-0.22. acres and 44-A3. 0.08 acres) This land is being used by Panchayat Board by leasing it for bamboo shops, bunk shops and cinema ground etc purposes other than for house building. The Panchayat Board of Kaveripatnam consented to transfer back these lands to the District Board for playground purposes in its Resolution No.74-dated 30th September 1943. This was subsequently modified in Panchayat Board Resolution No.98-2-11-43 in which it wanted to reserve an area of 24 cents for latrine

(Y) 11-12

A

P.T.O.

latrine purposes and resolved to hand over the remaining extent of land to the District Board from 1-4-44. Subsequently the lands were leased out by the Executive Officer of the Panchayat Board for a Touring Talkies The Panchayat Board in its Resolution No.97 dated 20th November 1944 declined to transfer the land on the plea that it was required for 'public resorts' purposes inspite of repeated requests to the Panchayat Board and even after pointing out the urgent necessity for playground ~~xxxxxx~~ and the orders of Government in Memo No.23189-C3-Education dated 17th July 1945 the Panchayat Board persists in refusing to transfer the land back to the District Board. As the lands are not put to use as house sites for which purpose alone the lands were handed over to the Panchayat Board free of cost, the District Board has to resume the land mentioned below from the Panchayat Board and to use it as playground of the ~~xxxxx~~ Board High School with Government sanction. Government have also pointed out the imperative necessity of providing adequate playground spaces for all schools and have instructed that vacant lands available and suitable for use as playgrounds must be placed at the disposal of the schools concerned. The Panchayat has had adequate extent of lands free of cost for the house building purposes and a portion of the lands given in 1928 to the Panchayat and remaining unutilised for house building purposes, can well be resumed by the District Board especially as these lands proposed to be resumed are closely contiguous to the existing playground of the school which is growing fast in usefulness in popularity and badly requires extended playgrounds.

B

Particulars of lands to be resumed.

Kaveripatnam S.No.44-A-2-B-1A.	2.06 acres.
44-A-1.	0.22 "
44-A-3.	0.08 "
	2.36 acres.

Resolution: President's note approved. The resumption of the above lands from the Panchayat Board and using them as playground of the High School sanctioned. Government to be addressed to agree to this. Sri.S.Nagaraja Maniagar only dissenting.

(TRUE EXTRACT)

Sd. K.A.NACHIAPPA GOUNDAR,
PRESIDENT, DISTRICT BOARD SALEM.

DIRECTOR OF PUBLIC INSTRUCTION
MADRAS

23.2.46.

K.V.N.23-2-46.

23.2

President, District Board, Salem.

C.P.H. Dept (B1)

G.O. No. 1156 P.H. dt 29-5-28 quoted on p.1 ante has been called for from D.R.O., Chittoor. Its receipt may be awaited till 6/3/46

1/3/46

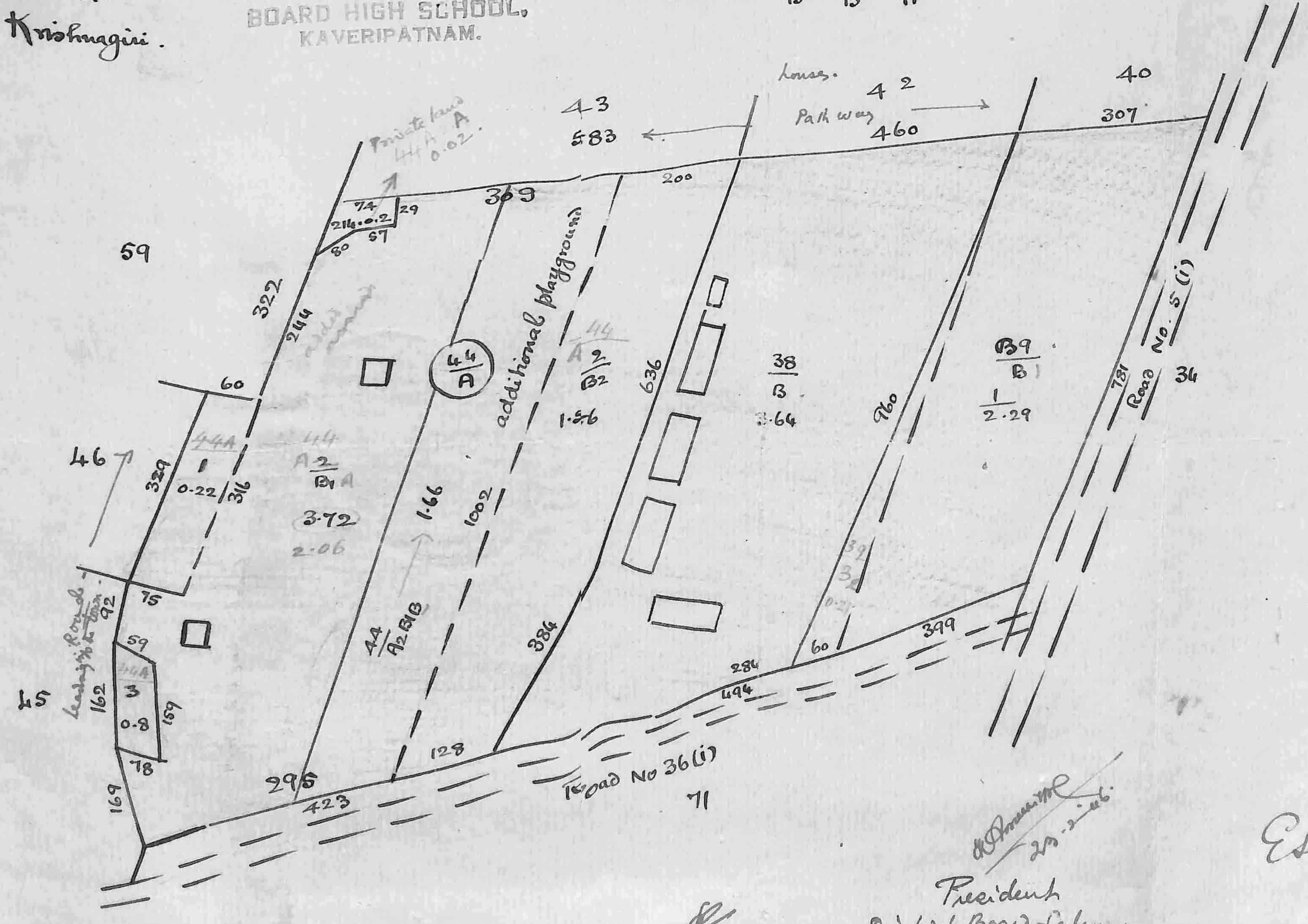
11/3/46

District : Salem.
Taluk : Krishnagiri.

BOARD HIGH SCHOOL,
KAVERIPATNAM.

Field No. $\frac{39}{B}$ $\frac{38}{B}$ $\frac{44}{A}$

Village No. 68
Name :- Kaveripatnam
Scale 1/2" = One Chain



▭ Land under occupation by the High School.

▭ Land to be resumed & added on to Playground.

20·2·46

President
District Board Salem

E. Shanmugam
Headmstr.

4 Memo. No. 12048 B.1/46-1 5/ Edn. (4) d. 16-3-46. G.O.P.H. Dept(B1) 5

Sub:- Dt. Bd., Salem - Board High School, Kaveripatnam - Resumption of certain land from the Kaveripatnam Panchayat Bd. for use as playground.

From the P. D. B., Salem, Roc. D2-13873-45 d. 22/2/46.

The P. D. B, Salem is requested to furnish a copy of the transfer deed executed in connection with the transfer of the land in question to the Panchayat Board. ~~He is also requested to~~ and also to state ~~of the conditions~~ ~~conditions were~~ ~~under~~ under what provision of the [illegible] Act ~~if any, imposed on the Panchayat Board in that~~ or the rules framed there under the Dt. Bd. is competent ~~connection~~ to resume the land

P.T.O.

19/3

pp 1-2 ante.

16/8/46

Rd. 26/4/46.
N.R. 13/5/46.
Rd. 21/5/46
N.R. 10/6/46.

To the P. D. B., Salem. ✓

Desp'd 12/3/46

12/3/46

15/8/46

DIRECTOR OF PUBLIC INSTRUCTION MADRAS

6/7

Note: As the Panchayat Board is unwilling to retransfer the land to the Dt. Bd. it is not clear under what authority the Dt Bd. proposes to resume the land. Unless the Panchayat Bd. has failed to comply with any conditions that were imposed in connection with the transfer, it seems doubtful ~~how the Land~~ whether the Dt. Bd. can resume the land. A copy of the transfer deed may therefore be called for to verify the point at 'A above. | A.

Ch
12/3/46

15/6/46

13/3/46

(B) 7
5

Land-Krishnagiri taluk-Kaveripatnam Town extension -vacant site adacent to High school-resumption from the panchayat board and use as play ground -approval of government-requested.

ASST. SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPT.
6 - JUN 1946

Roc.D2-13873/45

District Board office
Salem dated 4-6-46.

From
Sri K.A.Nachiappa Gounder M.L.A.,
President District Board,Salem.

To
The Secretary to Government
Education and Public Health
Department, Fort Saint George,
Madras.

Sir,

p 5 ante

30108 Ref:-Government memorandum No.12048-B1/46-1 Education dated 16th March 46 and exchange reminders thereon dated 26-4-46 and 21-5-46.

I have to state that no transfer deed was got executed in connection with the transfer of the land, in question, to the Kaveripatnam panchayat board. With reference to the orders issued by Government in para 2 of the G.O.No.1156 Mis.P.H., dated 29-5-1928, an extent of 11 acres and 53 cents of land in the Kaveripatnam Town extension area was handed over to the Panchayat board on 1-11-1928 after issuing necessary notification under section 62 of the Madras localboards Act 1920. The Panchayat board in its resolution No.127 dated 25-1-28 had expressed its willingness to take up the land free of cost on the [illegible] distinct understanding that the land would hereafter vest in the Panchayat Board and that any profit or loss in carrying out the scheme (By the disposal of house site plots etc.) would affect the funds of the panchayat board. The land, in question, is now being used by the Panchayat Board by leasing it for bamboo shops, , Bunk shops cinema shows etc., purposes other than for house building. As the lands are not put to use as house sites for which purpose above the lands were handed over to the panchayat board free of cost, the District Board has to resume the land, under the common law and practice, and to use it as play ground for the Board High school at Kaveripatnam with the sanction of Government. || A

P.T.O

8/1

(E)

In their Memorandum No.23189-C-3, Education, dated 17-7-45 Government have pointed out the imperative necessity of providing adequate play-ground spaces for all schools and have instructed that vacant lands available and suitable for use as play ground must be placed at the disposal of the schools concerned. The Panchayat Board has had adequate extent of lands free of cost for the house building purposes and a portion of the lands given to the panchayat in 1928 and remaining unutilised for house building purposes, can well be resumed by the District Board as the High school is in urgent need of the additional space for play ground.

I therefore request that the Government may be pleased to approve the proposals sanctioned by the District Board and issue early orders since the land will have to be enclosed and put to the use of the school which is greatly in need of the same.

5-6-46

President,
District Board, Salem.

DIRECTOR OF PUBLIC INSTRUCTION MADRAS

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(6) 9

E&P.H. Dept. (B.1)

52/20/6

Memo. No. 120 48737/46-2 Edn. d. 20-6-46

Sub:- Dt. Bd., Salem - Board High School, Kaveripatnam - Resumption of certain land from the Kaveripatnam Panchayat Board for use as playground.

2/25/6

pp. 1-3 and 7-8 cf. ante.

The letters Roc. D2-13873-45 d. 22-2-46 and 4-6-46 from the P.D.B., Salem, on the subject mentioned above are forwarded to the D.P.I. ~~who is~~ and he is requested to ~~offer his remarks as to~~ report whether the Board High School, Kaveripatnam has not already got a playground, ~~and~~ whether there is really a need for an additional plot for the purposes of a playground for the school. and if so what is the extent of the site that is required.

Recd with end
21-6-46.

To the D.P.I. (with P.D.B's letters on pp. 1-3 and 7-8 cf. to be returned with reply)

18/6/46.

18/6/46

(7)

B7 7 11

Land - Krishnagiri Taluk - Kaveripatnam Town extension - vacant-site adjacent to High school Resumption from the Panchayat Board and use as play ground - approval of Government - requested.

24 JUL 1946

R.o.c. D2/13873-45.

40608

Salem District Board office,
Dated 19 July 1946.

From

Sri K.A.Nachiappa Gounder [illegible],
President, District Board, Salem.

To

The Secretary to Government, Education & Public Health Department
Madras.

Sir,

Ref. Government Memorandum No.12048-B1/46-1 Education dated 16-3-1946.

I invite a kind reference to this office letter Roc.D2/13873-45 dated 4-6-1946 and request that the Government may be pleased to approve the proposals sanctioned by this District Board.

18-7-46

KR

ss/9-7-46

DC 9/7 President, District Board, Salem.

Bj ⑧ 8. 13

C.F. 32 (*a*).

Education Department

From (Name) Dr.S.R.U.Savoor, M.A., D.Sc., I.E.S.,
Designation Director of Public Instruction,
Station Madras.

Received Registered

To

The Secretary to Government,
Education and Public Health Department.

ASST. SECRETARY TO GOVERNMENT
27 JUL 1946
EDUCATION AND PUBLIC HEALTH DEPT.

Enclosures

R.O.C.No.1336-G/46 dated 23-7-1946.

41298

Sir,

District Board, Salem - Board High School, Kaveripatnam - Playground - resumption of certain land from the Panchayat Board - Proposal - Plan and estimate.

Ref: Govt. Memorandum No.12048-B.1/46-2 Edn dated 20-6-1946.

***

In resubmitting the proposals of the District Board, Salem, I have the honour to state as follows:-

The Board High School, Kaveripatnam, has at present a playground space of 7 acres. Considering the strength of the school, it requires at least 8½ acres of playground, if adequate facilities are to be made available to the students (vide this office letter ROC.No.766-D/46, dated 3-7-1946). The District Board, by the present transaction will secure for its school a playground of 9 1/3 acres in all. The margin is not too much.

In

: 2 :

In the circumstances, the proposal of the District Board, Salem, for resumption of 2-36 acres of land is recommended.

for Director of Public Instruction.

RVR 25/7/-

100
14/8

No. 12048

E & P. H (B1)

Land - Board High School, Kaveripatnam - Resumption of certain land from the Kaveripatnam Panchayat Board for use as playground.

pp 1-2 ante

Read :- from the P. D. B, Salem, No D2-13873-45 dated 22nd Feb 1946

pp 13-14 ante

from the D. P. I, No, 1336 G/46 dated 23.7.46

Memo No. 12048/46 - 3 B1 Edn dated 13.8.46

14/8 pp 2 ante

The P. D. B, Salem has brought to the notice of Govt. that the Kaveripatnam Panchayat Board does not agree to transfer to the Dt. Board 2·36 acres of land adjoining the Bd. High School, Kaveripatnam, required for extending the playground of the School. The D. P. I considers that the existing playground space is insufficient and that the land asked for

16

P/N

is absolutely necessary for the extension of the playground. As the land was originally transferred by the Dt. Bd to the P. Bd the Panchayat Board ~~[illegible]~~ showed ~~the~~ raise no objection to ~~the~~ its re-transfer ~~[illegible]~~ to the Dt Bd especially as it is required for the school located within the limits of the Panchayat ~~limits~~. The P. G. B, Kaveripatnam is therefore requested to move the Panchayat Bd to reconsider its resoln no 97 dated 20.11.44 and retransfer the land to the Dt Bd and report its decision to Govt.

P2C/

7/8/46

9/8/46

23.8.46

To

The President,

Panchayat Bd,

Kaveripatnam

Copy to the P. D. B,
Salem
" to the D. Pl.

10/8

17

B1

10 (10) for perusal
2960

C.F. 30.

DEPARTMENT.

Received 13 SEP 1946 19

EDUCATION AND PUBLIC HEALTH DEPARTMENT

Registered 2 - SEP 1946 19

DISTRICT BOARD OFFICE, SALEM.

5 3502

Subject. Kaveripatnam town extension portion - transfer of certain land from the Kaveripatnam Panchayat Board for use as playground to the local high school.

Reference:- Government Memorandum No.12048/46-3-B.1 Education and Public Health dated 13-8-1946.

ff 15-16 ante

ENCLOSURES.
No. one resolution extract and one sketch
Spare copies one

R.O.C. No. 212/45

Station Kaveripatnam, *Dated the* 29th August 1946.

From (Name) Sri S.Rajasekaran,

(Designation) Executive Officer, Panchayat Board.

To The Secretary to the Government of Madras,

Education and Public Health Department.

Through the proper channel.

Sir,

(E)

The Government Memorandum No.23189-C-3 dated 17-7-45 requiring that all vacant lands either adjoining or close to the school belonging to the Government, local body or private bodies should be reserved for use as playground was placed before the Board, and the ~~Panchayat Board~~, in its resolution No.69 dated 19-11-45 resolved to hand over to the District Board for playground purposes, the vacant land adjoining the high school playground reserving a portion of land in one corner for town recreation club. As the Board had no other suitable site for entertainments such as ~~xx~~ cinema, it also resolved to hand over the site soon after favourable orders are received from the Inspector of Local Boards, Madras vesting with the Panchayat Board certain survey numbers of Errahalli village belonging [illegible] Board and declaring it as industrial and

and additional industrial area.

The Inspector of Local Boards, Madras, as per the request of the Board, included those survey numbers of Errahalli village with the Panchayat area and declared it as industerial and additional industrial area in his proceedings R.Dis.No.3020-46 dated 20-5-1946.

Again, the ~~site~~ subject of handing over the vacant site to the District Board was placed before the meeting of the Board, and the Board, in its resolution No.88 dated 22-8-46 has resolved to hand over to the District Board 1 acre and 10 cents of land in R.S.No.44-A2B1 for playground purposes reserving 0-75 cents of land which is inconvenient for playground for town recreation club and 0-22 cents of lands in R.S.No.~~44xA3~~ 44-A1 and 0-08 cents of lands R.S.No.44-A3 respectively for the Panchayat Board as there are fruit-bearing tamarind trees and for use as public path.

I request that orders may kindly be passed to hand over to the District Board and to the Secretary of the town recreation club, the lands set apart by the Panchayat Board in its resolution No.88 dated 22-8-1946.

I beg to remain,
Sir,
Your most obedient servant,
S.Rajasekaran
Executive Officer. 31/8/46

Counter signed.

[illegible] 31-8-46
President,
Panchayat Board, Kaveripatnam

(Encs: Two)

Roc. D2.13873-45

Submitted to the Govt. Edn & Public Health Dept. for favour of early orders as already pressed for being handed over to the Dt Bd. Every inch of space is required for extending the playground which is too meagre & inadequate and there is no scope for further ~~[illegible]~~ expansion as the area is bounded by roads on the three sides & all the sides. Our request is quite consistent with the G.O. Memo. No 23159 C.3. dt 17.7.45 and hence the entire [illegible] be ordered to be handed

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No. 6. 1946ம் வருஷம் ஆகஸ்டு மாதம் 22ந் தேதி வியாழக் கிழமை பகலம் காலை 10 மணிக்கு கூடிய காவேரிப்பட்டணம் பஞ்சாயத்து போர்டாருடைய கூட்டத்தில் நடந்த நடவடிக்கைகள்.

ஆஜரானவர்கள் ———— 7 மெம்பர்கள்

x x x.

88. 19-11-45ந் தேதியுடைய பஞ்சாயத்து போர்டு [illegible] தீர்மானத்தின் 69 நெ. சப்ஜெக்டுபடி இப்பஞ்சாயத்து போர்டு டவுன் ரிக்ரியேஷன் கிளப்பின் [illegible] இருப்பதை, இவ்வூர் உயர்தர பாடசாலையின் விளையாட்டிற்கு கொடுக்க வேண்டுமென்று கேட்ட ஜில்லா போர்டு ப்ரெசிடெண்டு அவர்களுடைய 22-9-45ந் தேதியுள்ள Roc. D.2.13873-45 நெ. லெட்டர் மேல் இப்பஞ்சாயத்து எல்லைக்குள் இண்டஸ்ட்ரியல் ஏரியாவுக்கு இடவசதி இல்லாதபடியால் அதை ஜில்லா போர்டின் எல்லைக்குட்பட்டதும், இப்பஞ்சாயத்து எல்லைக்கு அடுத்தாற்போலுள்ளதுமான இந்த சர்வே நெம்பர்களை பஞ்சாயத்து போர்டின் எல்லைக்குள் சேர்க்கும் விஷயம் [illegible] இருந்து வருவது அனுகூலமான உடன் இவ்வூர் டவுன் ரிக்ரியேஷன் கிளப்புக்கு [illegible] ஒரு தக்க இடம் மாற்ற கிடைத்தவுடன் இவ்வூர் பாடசாலையின் விளையாட்டிற்கு மாற்றி கொடுக்கலாமென்று தீர்மானம் செய்யப்பட்டது. இப்பஞ்சாயத்து போர்டின் [illegible] கிராமத்திய 519, 494, 495, 496, [illegible] இப் போர்டின் எல்லைக்கு, [illegible] 498/2 சர்வே நெம்பர்களை [illegible] லோகல் போர்டுகளின் இன்ஸ்பெக்டரவர்கள் 20-5-46ந் தேதியுள்ள R.Dis. 3020-46 நெ. உத்தரவில் [illegible] மேற்படி பஞ்சாயத்தின் தீர்மானப்படி நடவடிக்கை எடுத்துக் கொள்ள வேண்டி இருக்கும் விஷயம்.

தீர்மானம்:— இந்த ஜில்லா போர்டு ப்ரெசிடெண்டு அவர்கள் இப்பஞ்சாயத்து போர்டு டவுன் ரிக்ரியேஷனில் 2.06 ஏக்கர் விஸ்தீரணமுள்ள 44-A-2-B1A. நெம்பரையும், 0.22 ஸெண்டுள்ள 44-A1 சர்வே நெம்பரையும், 0.08 ஸெண்டுள்ள 44-A3 சர்வே நெம்பரையும் இவ்வூரிலுள்ள ஜில்லா போர்டு உயர்தர பாடசாலையின் விளையாட்டிற்கு கொடுக்கும்படி கேட்டிருக்கிறார். சர்வே நெம்பர் 44-A1ல் பஞ்சாயத்து போர்டு புளியமரங்கள் இருப்பதால் அந்த நெம்பரையும், 44-A3 சர்வே நெம்பரானது ஜில்லா போர்டின் அந்த நெம்பரையும் விளையாட்டிற்கு அனுகூலமாய் இல்லாதபடியால் அந்த நெம்பரும் போக 2-06 விஸ்தீரணமுள்ள 44-A2B1A சர்வே நெம்பரில் பஞ்சாயத்து ரோட்டுக்காக 0.29 ஸெண்டும், ரிக்ரியேஷன் கிளப்புக்காக 0-67 ஸெண்டுடன் 44-A3 சர்வே நெம்பரின் விஸ்தீரணமாகிய 08 ஸெண்டையும் சேர்த்து ஆக ஸெண்டு 75 ஸெண்டு போக மீதியுள்ள ஏக்கர் 1, ஸெண்டு 10, உள்ள நிலத்தை

P.T.O

(பஞ்சாயத்து தீர்மானம்) ஜில்லா போர்டு ஹைஸ்கூல் உயர்தர பாடசாலையின் விளையாட்டுத்திடலுக்கு மாற்றிக் கொடுக்க வேண்டியும் மேல் தீர்மானம் [illegible] [illegible] 75 சென்ட் [illegible] [illegible] மாற்றிக் கொடுக்கவேண்டியும் தீர்மானிக்கப்பட்டது.

(ஒ) பா. வே. [illegible]
பிரசிடெண்ட்.
22-8-46.

(True copy)

S Rajasekaran 31/8/46
Executive Officer,
Panchayat Board, Kaveripatnam

District — Salem
Taluk - Krishna-giri

S. No. 44A.

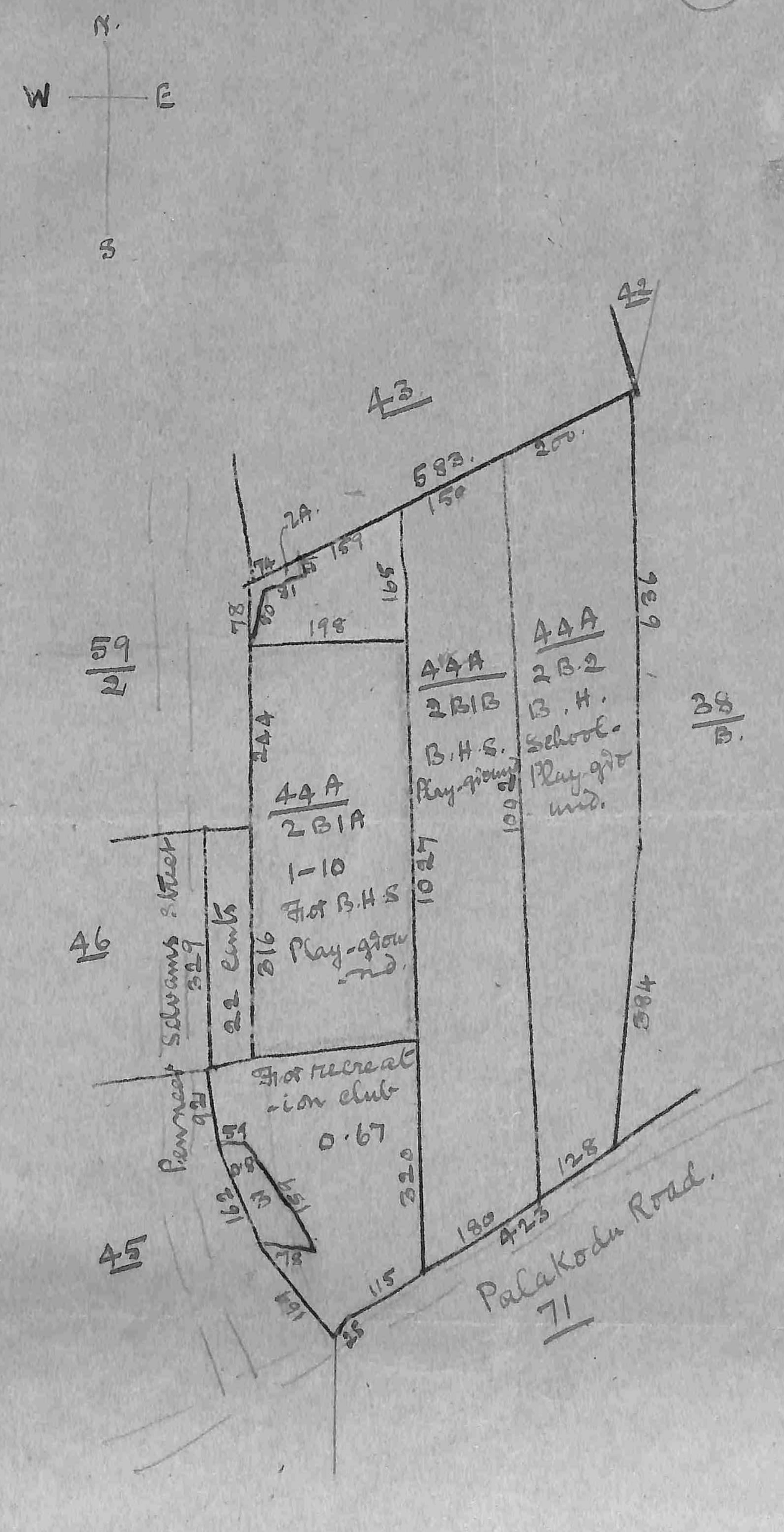
No. 68.

~~21~~ 12

(12)

Village Name - Kaveripatnam
Area - 5.60.

DISTRICT ... SALEM
27 SEP 1946



For Public path · 0.29 cents.

For Board High School playground A.C. 1-10.

For recreation club } 0.67 + 8 cents.

2.06

Scale ½ inch = one chain.

S Rajasekaran 31/8/46
EXECUTIVE OFFICER,
Panchayat Board, Kaveripatnam.

15/1

⑬ 23 13

EHDH (B1)

Land. Panchayat Board. Kaveripatnam. Vacant site adjoining the Board High School. Transfer to the Dt Board for use as playground

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From the Executive Officer Panchayat Board Kaveripatnam Roc. no 212/45 d 29.8.46

pp 17-18 ante

Endt of the P.D.B. Salem d 5.9.46

Memo No 12048/46-4 B1 Edn dated 30.9.46

30/9/46

A copy of the letter from the DPI ~~Roc~~ no 1336-G/46, d 23.7.46, is forwarded to the Executive Officer, Panchayat Board Kaveripatnam and he is requested to move the Board to transfer to the Dt Bd atleast 1.50 acres, as it is the minimum required for extension of the playground. The land to be transferred may be demarcated

p 136 ante

in consultation with the school authorities.

KSK
27.9.46

30/9/46

12
1/1

To

Issued with copy
3-10-46

The Executive Officer
Panchayat Board
✓ Kaveripatnam
through the P.D.B
Salem
(with copy of letter on
p13 cf.)

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(14) 14

C.F. 30.

LOCAL ADMINISTRATION **DEPARTMENT.**

RECEIVED.
12 DEC 1946

Received 19   Registered 2333/46 19

Subject.

Land - Panchayat Board - Kaveripatnam - vacant site adjoining the Board High school - transfer to the District Board for use as play ground.

DISTRICT BOARD OFFICE, SALEM.
17 DEC 1946

Enclosures.
No. One copy of Panchayat Board resolution.
Spare copies

ROC. No. 212/45

Station Kaveripatnam., Dated the 2nd December 1946.

From (Name) Sri S. Rajasekaran,

(Designation) Executive Officer, Panchayat Board.

To The Secretary to the Government of Madras,

EDUCATION AND PUBLIC HEALTH Department.
Fort Saint George, Madras.
Through the proper channel.

Sir,

Reference:- Memorandum No.12048/46 - 4 Bl Edn., dated 30-9-46. received with endorsement Roc.D.2.13873-45 dated 10-11-1946 of the President, District Board, Salem.

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2. I beg to submit that the above Government Memorandum was placed before the Board during its meeting held on 23.11.46 and a copy of resolution No.152 dated 23-11-46 is submitted herewith for the information of the Government.

3. In this connection, I beg to submit that the Government in their order G.O.No.1156 Mis., P.H. dated 29-5-1928 have already reserved 7-7 acres of land for the play ground of the Kaveripatnam Middle school (now complete high school) under G.O.No.2378 P.H., dated 28-11-1927. Again, in the interest of the local high school, three acres of land was handed over to the District Board for play ground purposes in P.B.R.No. 24 dated 29-5-34. Subsequently, in P.B.R.No.88 dated 22.8.46 1-10 acres of land which was the only available entire vacant site with the Panchayat Board was handed over to the District Board for play ground purposes. Thus, the total vacant space now available with the District Board for play ground purposes comes to 11-17 acres. What is possible by the Panchayat Board and the entire vacant land available with the Panchayat, have all been given. The Board, at the same time

P.P. 29-30

26

brings to the notice of the Government that no other vacant site is available with the Panchayat Board to be handed over to the District Board for play ground purposes than that given in P.B.R.No. 88 dated 22-8-46 in the best interest of the school. The District Board who took possession of the above vacant site on 2-10-46, instead of using the same for the purpose for which it was given for, has laid the foundation stone for constructing hostel buildings in the said premises. The Panchayat Board is of opinion that the vacant site now available with the District Board is more than enough for the play ground of the high school, if it drops the proposal of constructing hostel buildings in the last given vacant site of the Panchayat Board (viz., 1-10 cents) west of the high school.

4. This Panchayat Board regrets very much towards the attitude of the District Board in having secured the site for play ground purposes and utilizing the same for other purposes - namely for hostel block.

I beg to remain,
Sir,
Your most obedient servant,
S.Rajasekaran 3.12.46
Executive Officer,
Panchayat Board, Kaveripatnam.

Counter-signed.

President, 10-12-46
Panchayat Board, Kaveripatnam.

Endorsement N.R.o.c.D2/13873-45 dated 3rd February 1947 of the Special Officer, District Board, Salem.

Submitted.

2. A brief history of the case as well as the circumstances under which the District Board resolved to resume the lands, will be seen in the note appended to the resolution No.121(590) dated 22-1-1946 of the Salem District Board, a copy of which was submitted to Government with this office letter Roc.D2/13873/45 dated 22-2-1946.

3. The Director of Public Instruction, Madras, considers (vide Memorandum No.12048/46-4-B1-Edn dated 30-9-1946) that the existing play ground space for the Board High school, Kaveripatnam, is insufficient and that it should be extended. According to him, the present minimum requirement of the school is 8½ acres. The total vacant space which the school now has for play ground is 10.46 acres (7.70 acres reserved for play ground according to G.O.No.1156,P.H., dated 29-5-1928 + 1.66 acres handed over by the Panchayat Board in 1934 + 1.10 acres handed over by the Panchayat Board in 1946) and not 11.17 acres, as stated in para 2 of the Executive Officer's letter. Excluding 46 cents required for a Hostel building, the school has got only 10 acres left for the play ground. In their Memorandum No.23189-C3,Edn., dated 17-7-1945, Government have stressed the necessity of providing adequate play-ground spaces for schools and placing vacant lands available and suitable for use as play-ground at the disposal of the schools concerned.

4. It is not correct that 1.10 acres of land are used for hostel purposes. The District Board, in its resolution No.68(456) dated 30-10-46, sanctioned the request of the Silver Jubilee Committee, Kaveripatnam, to set apart only 46 cents for Hostel purposes, as a Hostel building for this High school is very necessary for the growth and prosperity of the school, and the committee has undertaken to construct it. The Collector's permission is awaited in this matter.

5. No condition was imposed when the lands were transferred to the Panchayat Board in 1928 under G.O.No.1156-Mis.,P.H., dated 29-5-1928. It is reported that the vacant lands are now leased by the Panchayat Board for bamboo shops, etc., and not used as house-sites, for which purpose alone they were handed over to the Panchayat Board free of cost.

15

6. In the above circumstances the proposals sanctioned by this District Board in its resolution No.121(590), dated 22-1-46, may be approved and the Panchayat Board directed to hand over to the District Board the portion of the land which has been leased out by the Panchayat Board for purposes other than house-sites. If any plots other than those necessary for the school are required by the Panchayat Board in future for town extension, they can be transferred to it as and when necessary.

10380
7 FEB 1947
SS/13-2-47

For Special Officer,
District Board, Salem.

To

The Secretary to the Government of Madras,
Education and Public Health Department,
Fort St.George, Madras.

No. 13. 1946ம் வருஷம் நவம்பர் மாதம் 23ந் தேதி சனிக்கிழமை தினம் காலை 11 மணிக்கு கூடிய [illegible] பஞ்சாயத்து போர்டாருடைய கூட்டத்தில் நடந்த நடவடிக்கைகள்.

RECEIVED
12. DEC. 19

ஆஜரானவர்கள்: ———————— மெம்பர்கள்.

× × ×.

DISTRICT BOARD O[illegible]
17 DEC 1946
SALEM

152. 22-8-46ந் தேதி கூடிய பஞ்சாயத்து போர்டு மீட்டிங்கின் 88 நெ. தீர்மானப்படி இந்த [illegible] பஞ்சாயத்து போர்டு உபயோகத்திற்கு [illegible] கட்டிடத்தை வாடகைக்கு எடுத்து மாதம் 10 ரூபாய் [illegible] நிர்ணயித்து அந்த தீர்மானத்தை [illegible] அனுப்பப்பட்ட [illegible] 29-8-46ந் கவர்மெண்டுக்கு [illegible] வாடகைக்கு எடுத்து தேதியன்று 212-45 நெ. [illegible] வாடகைக்கு எடுத்து [illegible] 1½ வருஷ [illegible] பஞ்சாயத்து போர்டின் [illegible] அவ்வாறு [illegible] 30-9-46ந் [illegible] தேதியன்று 12048-46-4-B.1 நெ. கவர்மெண்டு மெமோராண்டம் படிக்கப்பட்டது.

தீர்மானம்:— 29-5-28ந் தேதியன்று 1156 நம்பர் கவர்மெண்டு [illegible] வாடகைக்கு எடுத்து உத்தரவுப்படி [illegible] வாடகைக்கு எடுத்து [illegible] கொள்ளப்பட்டிருக்கிறது. 29-5-34ந் தேதி 7.7 ரூபாய் [illegible] போர்டு மீட்டிங்கில் 24 நெ. தீர்மானப்படி [illegible] இப் பஞ்சாயத்து [illegible] கட்டிடத்தை உத்தேசித்து [illegible] 3 ரூபாய் [illegible] வாடகைக்கு எடுத்து [illegible] 22-8-46 தேதியன்று 88 நெ. தீர்மானப்படி போர்டார் [illegible] 1-10, ரூ [illegible] வாடகைக்கு எடுத்து [illegible] கட்டிடம் வாடகைக்கு [illegible] 11-17 [illegible] இப் பஞ்சாயத்து போர்டின் [illegible] கவர்மெண்டுக்கு [illegible] தீர்மானிக்கப்பட்டு [illegible] 22-8-46ந் தேதி மீட்டிங்கின் 88 நம்பர் தீர்மானம் [illegible] போர்டார் [illegible] தீர்மானம் [illegible] வாடகைக்கு எடுத்து [illegible] 2-10-46ல் [illegible] போர்டின் [illegible] வாடகைக்கு எடுத்து அதை உபயோகப்படுத்தி [illegible] வாடகைக்கு எடுத்துக்கொண்டு [illegible]

P.T.O.

28410
1387

கட்டடம் எதுவும் கட்டாமல் இருக்கும் பக்ஷம் ஸ்கூலின் விளையாட்டிடத்துக்கு போதுமான ஜாகா இருக்கிறது என்று இப்போர்டானது கருதுகிறது. ஆகவே விளையாட்டிடத்துக்கு தனி இடம் கேட்டு வாங்கிக் கொண்டு அதை வேறு வகைகளுக்கு உபயோகப்படுத்திக் கொள்ள யோசிப்பதோடு அதுவும் விளையாட்டு இடத்துக்கு இடம் இல்ல என்றும் சொல்ல போர்டின் போக்கை கண்டு இப்பதிலைத்து போர்டு வருந்துகிறது.

(ஒ) பா. போ. நரசிம்மநாயுடு.
பிரசிடெண்ட்.
23-11-46.

(True Copy).

Rajasekaran
3.12.46.
Executive Officer,
Panchayat Board, Kaveripatnam.

Re
3-12-46

ND 2333-46 Exch. d. 15.12.46

Submitted through the ~~President~~ Special Officer Dt. Board for favour of orders
[illegible]
15/12/46
D.P.O. Salem.

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(17) 17 31

Education & P.H.(Bl) Department.

SCHOOLS - Dist. Board, Salem - Board High School, Kaveripatnam - Resumption of land from the Kaveripatnam Panchayat Board for extension of playground - Proposal approved.

.No.12048/46.

From the P.D.B.,Salem, No.Roc.D2.13873.45 dated 22-2-4
and No.Roc.D2.13873.45 dated 4-6-46.
From the Executive Officer, Panchayat Board, Kaveripatnam, Roc.No.212/45 dated 29-8-46, and dated 2-12-1946.
From the D.P.I., Roc.No.1336.G/46 dated 23-7-1946.
From the Special Officer, Dist.Board Salem, No.Roc.D2
13873.45 dated 3-2-1947.

p.p.1-2 and 7-8 cf.
p.p.17-18 and 25 cf.
p.p.13-14 cf.
p.p.26-27 cf.

5/14

FD Memo ~~Order/Ms.~~ No. 12048 B1/46-6. Edn. dated 13th March 1947.

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Final. p.p.1-2 cf.

In its resolution No.121(590) dated 22-1-1946, the Dist. Board, Salem, proposed to resume from the control of the Panchayat Board, Kaveripatnam, 2.36 acres of the land given for town extension purposes as it was required for extending the playground of the Board High School at Kaveripatnam. The Panchayat Board handed over 1.10 acres of vacant site and it was taken possession of by the Dist. Board on 2-10-1946. It is

para 3. at p.p.25-26 cf.

(P.T.O.)

32

reported that the remaining portion of the land required by the Dist.Board has been leased out by the Panchayat Board for purposes other than house sites. The ~~[illegible]~~ Panchayat Board, Kaveripatnam, is therefore ~~directed~~ advised to hand over to the District Board this portion of the land also ~~at an early date.~~

para 6. at p.

A.G.
5.3.47

5.3.47

18/3/47.

To the Special Officer
Dist. Board, Salem.
To the Executive Officer,
Panchayat Board,
Kaveripatnam (thro'
the S.O., Dt.Bd.Salem)

Copy to the P.G.

I.S.C.

18/3.

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(18) 12362 18 33

C.F. 30.

Local Administration **DEPARTMENT.**

Office of the District Panchayat Officer, Salem.
RECEIVED.
20 ~~MAR~~ .4. 1947
1092

Received ....19 . Registered 19

18/4/47

Subject.

Schools - District Board, Salem - Board High School - Kaveripatnam - resumption of land from the Kaveripatnam Panchayat Board for extension of playground.

22 APR

ENCLOSURES.
No. One copy of resolution of the Panchayat Board.
Spare copies

R.O.C. No. 212/45

Station Kaveripatnam., *Dated the* 18th April 1947.

From (Name) Sri S.Rajasekaran,

(Designation) Executive Officer, Panchayat Board.

To The Secretary to the Government of Madras,

Education and Public Health Department.

Through the proper channel.

Sir,

P.P. 31-32 of 4(V)

Ref:- Government Memorandum No..12048-B1/46-6 Edn dated 13-3-47 received with endorsment R.O.C.D2-13873-45 dated 11-4-47 of the Special Officer, District Board, Salem.

The above Government memorandum was placed before the special meeting of the Panchayat Board held on 17-4-47 and a copy of the resolution No.1 dated 17-4-47 is submitted herewith.

As stated in the above Government memorandum that the remaining portion of the land required by the District Board for playground purposes has been leased out by the Panchayat Board for purposes other than house sites is not true and the 0.75 cents of land resolved to be handed over to the town recreation club in Panchayat Board resolution No.88 dated 22-8-46 was given possession to the President of the club on 2-10-46 - the date on which the Headmaster of the High school took possession of the 1-10 cents for playground purposes.

As resolved unanimously by the Panchayat Board to request the Government to approve and to pass final orders accepting the sites handed over to the High school and Town

Town recreation club, I request that the Government may be pleased to pass final orders in the matter.

I beg to remain,
Sir,
Your most obedient servant,

A Rajasekaran 18/4/47
Executive Officer.

Countersigned.

[illegible] 18-4-47
President,
Panchayat Board,
Kaveripatnam.

Re
18-4-47.

ஸ்பெஷல் மீட்டிங்.

No. 1. 1947ம் வருஷம் ஏப்ரல் மாதம் 17ந் தேதி வியாழக் கிழமை தினம் காலை 10 மணிக்கு மேற்படி காவேரிப்பட்டணம் பஞ்சாயத்து போர்டாருடைய சபையில் நடந்த நடவடிக்கைகள்.

ஆஜரானவர்கள். ———— 6 மெம்பர்கள்.

x x x.

Vide English translation at flag ② below.

1. 30-9-1946ந் தேதியின் 12048-46-4-B.1. நெ. கவர்மெண்டு உத்தரவின் மேல் 23-11-46ந் தேதி மீட்டிங்கின் 152 நெ. தீர்மானம் தீர்மானித்தபடி இப்பஞ்சாயத்து போர்டு வசமிருந்த [illegible] காலி ஜாகா பூராவும் இவ்வூர் உயர்தர பாடசாலையின் விளையாட்டுத் திடலுக்கு கொடுக்கப்பட்டு விட்ட போதிலும் மேல்கொண்டு கொடுக்க ஜாகா இல்லை என்றும் தீர்மானித்து கவர்மெண்டுக்கு [illegible] [illegible] ஜில்லா போர்டு மேல்கொண்டு [illegible] ஜாகா வானது [illegible] உபயோகப்படுத்தாமல் [illegible] உபயோகப்படுத்த [illegible] இவ்வூர் ஜில்லா போர்டு உயர்தர பாட [illegible] விளையாட்டுத் திடலுக்கு கொடுக்க வேண்டுமென்று [illegible] இப்பஞ்சாயத்து போர்டுக்கு [illegible] 12048-B1.46-6-Edu. நெ. ஆன 13-3-47ந் தேதியின் கவர்மெண்டு மெமோரண்டமும், அதை யநுசரித்து [illegible] கவர்மெண்டு [illegible] ஸ்பெஷல் [illegible] அவர்கள் 11-4-47ந் தேதி ஜில்லா போர்டு [illegible] Roc. D. 2. 13878-45 நெ. [illegible]

இவ்வூர் போர்டு [illegible] 1 ஏக்கரா 10 சென்டு நிலமும், டவுன் ரிக்ரியேஷன் கிளப்புக்கு 0-75 சென்டு நிலமும், 2-10-46ல் [illegible] அவர்களுடைய டவுன் ரிக்ரியேஷன் கிளப் [illegible] அவர்களுடைய பஞ்சாயத்து போர்டு [illegible] கொடுக்கப்பட்டு [illegible]

தீர்மானம்: — [illegible] 29-5-34ந் தேதியின் 24 நெ. தீர்மானப்படி 3 ஏக்கராவும், 22-8-46ந் தேதியின் 88 நெ. தீர்மானப்படி 1-10 சென்டும் ஆக பஞ்சாயத்து போர்டால் [illegible] கொடுக்கப்பட்டு [illegible] அவ்வளவும் [illegible] கொடுக்கப்பட்டிருக்கிறது.

இவ்வாறு [illegible] விளையாட்டு மைதானம் கொடுக்கப்பட்டிருக்க [illegible] இப்பஞ்சாயத்து போர்டார் [illegible] இவ்வூர் டவுன் ரிக்ரியேஷன் கிளப் [illegible]

ஜனங்களுக்கு சொந்தமான நிலம், 0-75 ஸெண்ட் மாத்திரம் தான் அதற்கு கொடுக்கப்பட்டிருக்கிறது. இந்த ஸ்தலமே அதாவது 2-10-46 தேதி அவர்கள் கைபற்றில் இருந்து வருகிறதுமல்லாமல் இப்பள்ளி பிள்ளைகளுக்கு விளையாட்டிடமாக உபயோகப்பட்டே வரும் வருகிறது. இப்போது பஞ்சாயத்து போர்டின் உபயோகத்துக்கு கொடுக்க அதனிடம் எதுவும் ஜாகா கிடையாது. இதனால் கொடுக்க ஆக்ஷேபணையில்லை. பிள்ளைகளுக்கும் டவுன் ஜனங்களுக்கும் உபயோகப்படும் பொருட்டு இதற்கு சம்மதிக்கிறோம். அங்கீகாரம் செய்து உத்திரவு செய்யுமாறும் இதன் மூலம் கேட்கப்படுகிறது. கவர்மெண்டுக்கு அனுப்பிவைத்து கொள்ளலாமென்றும் ஏகமனதாக தீர்மானிக்கப்பட்டது.

(ஒ) பா. வே. நரசிம்ம நாயுடு,
பிரசிடெண்ட்,
17-4-47.

(True copy).

S Rajasekaran 18/4/47
EXECUTIVE OFFICER,
Panchayat Board. Kaveripatnam.

Rec. 18-4-47.

N Dis 1092/47 d 21-4-47.
Submitted to the Special Officer Dt Board Salem
D.P.O Salem 21/4

VV (20) 53

E & P.H Dept

Schools- ~~Of Boards Sala~~ Secondary - Dt. Board (B1) Salem - Board High School, Kaveripatnam - Resumption of land from the Kaveripatnam Panchayat Board for use as playground - Dispute between the Panchayat Board and the Dt. Board - Orders passed.

37 / 6/5

p31-32 Cf (V) Read again Memo No 12048-B1/46-6 Edn. d 13.3.1947.

p1-2 Cf From the Executive Officer, Kaveripatnam Pt. Board Roc. No 212/45 d 18.4.47.

p5 Cf From the S.O. Dt. Board, Salem, R.O.C. No D2. 13873-45 d 8.5.47

42020 B1/47 Dr 6/5/48 p17 Cf " Inspector of Ml. Councils and Local Boards, L Dis. 36484/47 d 17.3.1948

Order No 1137 MS Edn d. 6. 5-48.

p1-2 Cf (V) In its resolution No 121 (590) dated 22.1.1946, the Dist. Board, Salem proposed to resume from the control of the Panchayat Board, Kaveripatnam 2.36

P.T.O

2 acres of the land ~~given~~ made over to the Panchayat for town extension purposes as it was required for extending the playground of the Board High School at Kaveripatnam. The Panchayat Board handed over to the Dt. Board 1.10 acres of vacant site ~~and it was taken possession of by the Dt. Board~~ on 2.10.1946. The S.G. Dt. Board Salem has requested the Govt. to direct the ~~[illegible]~~ Panchayat. Board to hand over the remaining portion of land also. p 31 cf of (V) p 5 cf

2/ ~~[illegible]~~. Out of the remaining extent of 1.26 acres, an extent of 0.51 acre is not suitable for playground & the remaining portion (0.75 acre) was ~~has been~~ given by the Panchayat Board to the Town recreation club on 2.10.1946. ~~The~~ At the instance of the Inspector of Ml. Councils & Local Boards ~~who has been asked to settle the dispute between the Dt. Board & the pt. Board has forwarded a copy of resolution no. 633 d. [illegible] of the Dt Board Salem. In the resolution~~ the Dt. Board, Salem has resolved not to insist on the 75 cents of p 20 cf. p 1 cf p 17 cf p 20 cf

21 (21) 55 3

land reverting to it so long as the plot is ~~p~~ used for recreation purposes.

3/ The action of the Panchayat Board Kaveripatnam in having handed over 1.10 acres of land to the Dt. Board, Salem & 75 cents to the Town recreation club is approved.

31.3.48

3.4.48

To

The S.G. Dt. Board, 31.3.48
Salem. ✓
" Executive ✓
Officer, Kaveripatnam
pt. Board.
" Inspector of
Ml. Councils & ✓
Local Boards ✓
" DPT ✓
(copy for stock file)

10-5-48

File all pp in the G.O.
3.4.48 Done.
11/5/48

22

22/37

5.

Endt.Roc.No.D2-13873-45

EDUCATION AND PUBLIC HEALTH DEPT.
17 MAY 1947

Salem District Board Office,
Salem, dated 8th May 47.

Endorsement.

SUBMITTED to the Secretary to Government, Local Administration Department, Madras.

(V) 31-32 cf.

4/2020
Ah

E1P.H

2. Kind reference is solicited to this office endorsement Roc.No.D2-13873-45 dated 3-2-47 and the orders passed thereon by the Government in Memo No.12048-B/46-6 E-and P.H. dated 13-3-47.

p.p.26-27 c/f (V).

3. The Panchayat Board may be directed to hand over the land to the District Board fixing a date.

Rk.8/5 9/5

Enc.Two.

LOCAL ADMINISTRATION DEPT.
16641
12 MAY 1947
SECRETARIAT, MADRAS

For Special Officer,
District Board, Salem

E1P.H. m.c.

L.A. Dept.(A)

16641 1A
14/5/47

14/5

13/5/47

14547

(23)

B1

23 ~~I~~-39

C.F. 32 (a).

Local Administration Department

From (Name) Khan Sahib G.Abdul Sattar
Sahib Bahadur B.A.

Designation Special Officer,
District Board,

Station Salem.

Received .... Registered ....

To

The Secretary to Government,
Education and Public Health
Department,
Fort.St.George, Madras.

Asst. Secretary to Government
29 AUG 1947

67328

Enclosures :

Roc No. D.2-13873-45 dated 25th August 1947.

Sir,

Immovable properties-lands-District Board,Salem-Board High school,Kaveripatnam-resumption of land-from the Kaveripatnam Panchayat Board for extension of play-ground-orders-solicited.

Ref: This office endorsement Roc No.D.2-13873-45 dated 8-5-47 and your Endorsement No.57146-B.1-1/47 Edn. dated 21/7/47.

I request early order of Government.

IA..27/8 27/8

27/8/47
For Special Officer.

3.

2/9.

24 24

EDN.& P.H.(B1).

SCHOOLS - Dt. Board - Salem - Board High School, Kaveripatnam Resumption of land from the Kaveripatnam Panchayat Board for use as playground - Dispute between the Panchayat Board and the Dt. Board.

--

Read again: Memo No. 12048-B1/46-6, Edn., dated 13-3-1947.
From the Executive Officer, Kaveripatnam Pt. Board, Roc.No.212/45 dated 18-4-47.
From the S.O., Dt.Bd., Salem, R.O.C. No. D2. 13873-45, dated 8-5-1947.

--

MEMO. NO. 42020B1/47-4-- EDN., DATED 1--9-1947.

1/9/47

Copies of the references cited above are communicated to the Inspector of Municipal Councils and Local Boards, Madras and he is requested to settle the dispute between the Dt.Bd. Salem and the Panchayat Board, Kaveripatnam on its merts under section 234 of the Madras Local Boards Act, 1920 and report the result to Govt. at an early date.

W
31.8.47

To

The Inspr.of Ml.Cls. and Local Bds.(with encl.)
Copy to the S.O., Dt Bd., Salem.
" S.O., Pt.Bd. Kaveripatnam(thro' the S.O., Dt.Bd. Salem).

29/8/47

2/9

~~10~~ 92

Ms 12/11
7/11

E & P. H Deptt B1

Schools - Dt. Board, Salem. - Board High School, Kaveripatnam - Resumption of land from the Kaveripatnam Panchayat Board for use as playground - Dispute between the Panchayat Board and the Dt. Board.

p9 ante Refce: Memo no 42020 B1/47-4 dated 1-9-47

Memo No 42020 B1/47-5 dated 7-11-47

The Inspector of Ml. Councils and Local Boards is requested to state ~~when~~ in what stage the matter now is and when a reply to the reference cited above may be expected.

Dn 5/11/47

USK 6/11/47

W 6-11-47

To

D/p 12/11/47

The Inspr of Ml. Councils & Local Boards

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(23) 25087/93 ~~11~~

ASST. SECRETARY TO GOVERNMENT
20 NOV 1947
EDUCATION AND PUBLIC HEALTH DEPT.

From

Unnithan Esq., I.C.S.,
Inspector of Ml. Cls. & Local Boards, Madras.1.

To

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

ROC.36484/47-II-F5 dated 18.11.47.

....

Sub:- Land - dispute between the Kaveripatnam Panchayat board and Salem District Board in the matter of handing over a piece of land for District Board High School at Kaveripatnam for use as Playground.

9/828

p10 ante

Ref:- Government Memo No.42020B1/47-5 Edn. dated 7.11.47.

...

I have called for a report from the Deputy Inspector Western Range, Coimbatore and shall submit my report ~~to~~ to Government on receipt of his reply. I have ~~reminded~~

(P.T.O)

12 22

reminded the Deputy Inspector to-day.

for Inspector.

MR/19.11.47.

19/11/47

E&P. H Deptt (B1)

The Inspector of Ml. Cls & Local Boards may be reminded again on 29.12.47, if necessary.

25/11/47

26/11/47

25/11

82/6/1. 26 B 95 (28) 13

E&P. H. Deptt (B1)

A

Schools - Dt. Board, Salem - Board High School, Kaveripatnam - Resumption of land from the Kaveripatnam Panchayat Board for use as playground - Dispute between the Panchayat Board and the Dt. Board.

p 9 ante Refce: Memo No. 42020 B1/47-4 dated 1.9.47 &
letter from the Inspector of Ml. Cls & Local Boards.
p 11 ante Roc. 36484/47-II-I5 d 18.11.47.

Memo No 42020 B1/47-7 dated 8.1.48

The Inspector of Ml Councils & Local Boards is requested to state when his final report in the matter may be expected.

To
The Inspector
of Ml. Councils
& Local Boards.

10.1.48

7.1.48

7.1.48

7.1.48

14
36

81 27
15
27
(27)

C.F. 32.

In reply, please quote number, date and short title.*

ASST. SECRETARY TO GOVERNMENT
29 JAN 1948
EDUCATION AND PUBLIC HEALTH DEPT.

6975
DR

Local Administration DEPARTMENT.

Received ______ *Registered* ______

From (Name) K.M. Unnithan Esq., I.C.S.,

(Designation) Inspector of Ml. Cls. & Local Boards,

Post Box ______, (Station) Madras 1.,

Telegraphic Address ______

To

The Secretary to Government, Education and Public Health Department, Fort St. George, Madras.

Roc. *No.* 36484/47F5 *dated* 26.1.48. 19 .

Sir,

Sub:- Land - Kaveripatnam panchayat board and Salem District Board - dispute regarding handing over a plot of land for use as play ground for District Board High school at Kaveripatnam.

n 13 ante

Ref:- Government memo No.42020B1/47-7-Edn. dated 8.1.48.

* * *

Enclosures ______

Spare Copies ______

I have called for the views of the panchayat board and the District Board with reference to the remarks offered by the Deputy Inspector of Local Boards, Western

- 2 -

~~46~~ 28

- 2 -

Range, Coimbatore, in the matter, and I shall submit my report to Government on receipt of their views.

for Inspector.

SJ:28/1.

28/1

E & P.H. Deptt (B)

The Inspector's final report may be awaited till 25-2-1948.

30/1/48

1-2-48

5

H.P. 31/1

30/1/48

27/2

H.P.

E & P.H. Deptt (B)

Subject same as at A on p13 ante

From the Inspector of Ml. Cls & Local Boards, Roc No 36484/47 F d 26-1-48

Memo No 42020 B/47-8 dated 25/2/48

To The Inspector of Ml. Councils & Local Boards

The Inspector of Ml. Councils & Local Boards is requested to state when his final report in the matter may be expected.

25/2/48

25/2/48

25-2-48

27/3

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28 I 51

(280)

Copy of letter Roc.No.7521/47 dated 18.11.47 of the Deputy Inspector of Municipal Councils and Local Boards, Western Range, Coimbatore to this Office.

...

Sub:- Land - Dispute between the Kaveripatnam panchayat board and Salem District Board in the matter of handing over a piece of land for District Board High school at Kaveripatnam for use as playground - Report submitted.

Ref:- Roc.No.36484/47-F5 dated 29.9.47.

....

I went into Kaveripatnam on 14.11.47 and enquired into the dispute between the Kaveripatnam panchayat board and the District Board, Salem about the piece of land required by the District Board High School for use as Play ground.

2. The District Board, Salem has originally purchased land at Kaveripatnam to an extent of Ac. 18-60 out of which it reserved Ac.7-70 for District Board High School at Kaveripatnam. The rest i.e. Ac.10-90 has been handed over free of cost to the panchayat board, Kaveripatnam (Not fully) as per G.O.No.1136 Mis.P.H. dated 29.5.1928 for Town Extension. No deed is said to have been executed in this respect and hence not forthcoming.

3. The District Board is running a High school at Kaveripatnam. The school is working compulsory physical Education and the present playground required extension. The strength of the school is 521. In response to the request of the District Board, Sale,m, the Panchayat Board, Kaveripatnam has already handed over the site to an extent of Ac.1-10 and the dispute now is mainly about .75 cents of land handed over by the panchayat board to the Town Recreation club. The remaining is covered by the fruit bearing trees and the space left for public Pathway.

4. The contention of the District Board all the time had been that the panchayat board has leased out the site for a different purpose altogether and not for Town extensions and that bamboo shops bunk shops and Touring cinemas were allowed to be put up on the place on payment of rent. I inspected the site along with the head master, Board High School, President, Panchayat Board and Local M.L.A. No bunk or bamboo shops are there and I am told they are removed sometime ago. No cinema tent is put up there. This .75 cents of land is roughly a triangular bit and contains a deep pit of about .10 cents. Some portion of this extent has an uneven rocky surface. The Town recreation club has taken possession of the site, put up a thatched fencing all round and spent Rs.200/- to level up the site. Badminton and Volley ball are being played there. Town extensions naturally include setting apart space for recreations and so it cannot be said now that the site is being made use of for a different purpose.

5. No doubt the school play ground attached to the District Board High School requires extensions in order to enable major games to be played there. The Head Master whom I have consulted, tells me that the problem of play ground will not be solved even by adding .75 cents of land, since even then no major games can be played and hence the District Board has to go in for an extensive land outside the present play ground. Moreover a hostel to the High school measuring 200' by 100 feet is under construction and .75 cents cannot be used except for minor games.

6. The Panchayat board, Kaveripatnam, is not consistent about its resolutions. In its resolution No.74 dated 30.9.43 the Board resolved to hand over the entire area of Ac. 2.36; in its Resolution No.98 dated 2.11.43 it resolved to retain .24 cents out of that block for latrine purposes; in its Resolution No.97 dated 20.11.44 it declined to transfer the land since it is required for public resort; and in its resolution No.88 dated 22.8.46 it resolved to hand over Ac. 1.10 to the District Board for playing ground purposes and .75 cents to Town Recreation club etc. Possession to the Town Recreation club has been handed over on 2.10.46 itself. This club is unre

7. The District Board gave the site free of cost to the Board. When required for extension of playground, the Dist asked for it and even the panchayat board once resolved to

over the site but the Board changed its mind later. If the Board really meant to use the ground for recreation purposes, it should have levelled up the site itself and maintained it for recreation purposes instead of handing over to the Town Recreation Club which is unregistered in a hurry burry manner. So I consider that the action of the Panchayat Board in handing over the site to the President, Town Recreation Club as per resolution No.88 dated 22.8.46 is not justifiable, though the District Board has ~~had~~ no legal claim whatsoever since possession of land with absolute ownership has been handed over to the Panchayat Board without any conditions as early as 1926 and the site is now used for recreation which forms part of town extension.

....

Copy of the resolution No.633 dated 19.2.48 of the Salem District Board.

...

A

633, Read Notice Roc.No.36484/47-F3 dated 15.1.48 from the Inspector of Local Boards, Madras requesting to express the view of the District Board on the proposal of the Deputy Inspector of Local Boards contained in his letter Roc.7521/47 dated 18.11.47 and to furnish a copy of the resolution of the Board within a fortnight of the notice.

Note. In D.B.R.No.121(590) dated 22.1.46, it was resolved to resume the land measuring 2.36 acres from the Kaveripatnam panchayat board. Out of the extent of land 1.10 acres has since been handed over by the panchayat board to this board on 2.10.46. The remaining plots to be xxxxxxxx,xxxNoxx44/xx2.Bx.I.xAxxxOx96xxxxx.resumed according to the above D.B.R., is as follows:-

S.No.	44/A2. B.I.A.	0.96 acre
	44/A1	0.22
	44/A3	0.08
	Total	11.26

1.26

2.36
1.10
1.26

The Panchayat Board, in its resolution No.88 dated 22.8.1946, explained the actual situation of the above remaining lands to be resumed, as follows; In S.No.44/A1(0-22) cents there are huge trees; S.No.44/A3 (0-08) is not suitable for playground out of the remaining extent in S.No.44/A2 B.I.A. 0-67 acre has been transferred to the Town Recreation club and 29 cents is used as road. The Deputy Inspector after personal inspection of the said site, states that the 75 cents of land(i.e. 67 cents used by the Recreation club and 8 cents not suitable for use as playground) is roughly a triangular bit and contains a deep pit of about 10 cents and that the Town Recreation club has put up fencing all round and spent Rs.200 to level up the site. As Town extension naturally include setting a part of space for recreation he says that it cannot be said that the site is being used for a different purpose and suggests that this District Board can leave off the 75 cents of land(i.e. 67 cents in S.No.44/A2 B.I.A. now transferred by the Panchayat Board to the Recreation club and 8 cents of land which is not suitable for use as playground) from the resumption.

D.B.R. The Board does not insist on 75 cents of land revesting to it so long as the plot is used for recreation purposes.

/True Copy/

3/3.8
18.3

Personal Assistant. 18/3

M/18.3.

Government of Madras
Education and Public Health Department
G.O.(Ms.) No.1137, Education, dated the 6th May, 1948.

Subject:- Schools - Secondary - District Board, Salem - Board High School, Kaveripatnam - Resumption of land from the Kaveripatnam Panchayat Board for use as play ground - Dispute between the Panchayat Board and the District Board.

- -

READ:-Again: ~~xxxxxx~~ Memo No.12048-B1/46-6, Edn., dated ~~xxx~~ 13--3--1947.

" From the Executive Officer, Kaveripatnam Panchayat Board, Roc.No.212/46, dated 18--4--47.

From the Special Officer, District Board, Salem, Roc.No.D2.13873-45, dated 8--8--47.

ORDER:- From the Inspector of Municipal Councils and Local Boards, L.Dis.36484/47, dated 17--3--1948.

***

In its resolution No.121 (590) dated 22-1-1946, the District Board, Salem proposed to resume from the control of the Panchayat Board, Kaveripatnam 2.36 acres of the land made over to the Panchayat ~~xx~~ for town extension purposes as it was required for extending the playground of the Board High School at Kaveripatnam. The Panchayat Board handed over to the Panchayat Board 1.10 acres of vacant site on 2-10-1946.. The Special Officer, District Board Salem has requested the Government to direct the Panchayat Board to hand over the remaining portion of land also.

2. Out of the remaining extent of 1.26 acres, an extent of 0.51 acre isnot suitable for playground and the remaining portion ~~xxxxxxxxxxxx~~ (0,75 acre) wasgiven by the Panchayat Board to the Town recreation club on 2-10-1946. At the instance of the Inspector of Municipal Councils and Local Boards the District Board, Salem has resolved not to insist on the 75 cents of land reverting to it so long as the plot is used for recreation purposes.

3. The action of the Panchayat Board, Kaveripatnam in having handed over 1.10 acres of land to the District Board, Salem and 75 cents to the Town recreation club is approved.

(By order of His Excellency the Governor)

K.V.Subramanian,
Secretary~~x~~ to Government.

To

The Special Officer, District Board, Salem.
The Executive Officer, Kaveripatnam Panchayat Board.
The Inspector of Municipal Councils and Local Boards
The Director of Public Instruction.

(Forwarded - By Order)

ms.

Superintendent.

8/c

Notes.

30 L. & P.H. Dept. (B.1)

(30)

.12048 B.1 From the P.D.B., Salem, Roc.No.D2/13873/45 dated 22-2-46.
p.7 cf -do- -do- 4-6-46.

Sub:- Dt.Bd., Salem - Board High School, Kaveripatnam - Resumption of certain land from the Kaveripatnam Panchayat Board for use as playground.

Please see the letter from the P.D.B., Salem on pages 1-2 c.f. the Memo. to the P.D.B. on p.5 c.f. and the President's reply on pages 7-8 c.f.

(E) p.12 2. In 1928 the Dt.Bd., Salem handed over free of cost to the Kaveripatnam Panchayat Board for town extension purposes ~~certain~~ a plot of land in the Kaveripatnam extension area. The P.D.B. now reports that as a ~~certain~~ portion of the land is not used for the purpose for which it was transferred to the Panchayat Board the Dt.Bd. has resolved to resume the land from the control of the Panchayat Board for being used as playground for the Board High School, Kaveripatnam and he requests that Govt. may approve the proposal.

para 4, p.1 cf

p.7 cf. 3. It will be seen that no transfer deed was got executed in connection with the transfer of the land to the Panchayat Bd. nor were any conditions imposed in writing in regard to the use to which the land should be put by the Panchayat Bd. It is not therefore clear under what authority the Dt.Bd. can now resume the land from the Panchayat Bd. especially as the latter is unwilling to retransfer it. The Dt.Bd. nevertheless states that it has to resume the land under the common law and practice; ~~it is not clear what it actually meant by this~~. The Dt.Bd. may perhaps be informed that it is open to it to take legal action in the matter, if so advised, and the approval of Govt. is not necessary for this. Legal may perhaps be consulted u.o.

p.7 cf.

May be sent to the Legal Dept. for remarks.

12/6/46 [illegible] Board High School, Kaveripatnam [illegible] playground [illegible]

[illegible] 12/6/46 [illegible]

[illegible]

[illegible]

[illegible] can be taken in the matter. The [illegible] may be asked to report on this point. If the plot proposed for resumption

15.6.46

is actually found necessary. The Panchayat Board may be persuaded to part with it. It is quite likely that it may agree, seeing that in a previous resolution d. 30-?-43 it had consented to retransfer the land to the DtBd.

14.6.46.

I agree with A S III

15.6.46

18/6/46

A draft Memo. to the D.P.I. is subd. for approval.

KSK
18/6/46

p 9 cf

[Memo No. 12048 B1/46-2 Edn d. 20.6.46].

pp 13-14 cf

From the D.P.I, No. 1336-G/46 d. 23.7.46

pp 13-14 cf

The D.P.I reports that the land proposed to be resumed by the Dt. Bd, Salem is necessary for addition to the existing play ground of the Bd. High School Kaveripatnam. The draft memo below is therefore submitted with reference to the orders above.

7/8/46

KSK
9/8/46

13.8.46

[Memo no 12048/46-3 B1 Edn. dated 13.8.46]

c no 53502/46 - From the Executive Officer Panchayat Board Kaveripatnam d 29.8.46.

pp 17-18 cf

Please see the letter from the Executive Officer Kaveripatnam Panchayat Board on pp 17-18. The Panchayat Board has agreed to transfer to the Dt Bd only 1 acre and 10 cents of land against 2.36 acres required by the Dt Bd as the rest of the land is required for other purposes and is not suitable for playground. Attention is solicited to the letter from the DPI on p 13 cf. The minimum extent of land required for playground is 1.50 acres. From the sketch on p 21 cf, it will be observed that it is proposed to retain a bit measuring 29 cents in the north

3

31

(31)

for public path way and another strip in the South measuring 75 cents for town recreation club. The latter cannot be considered to be more essential than the requirements of the school. It is therefore for consideration whether the Panchayat Board may be asked to reconsider its resolution no 88 d 22.8.46 and arrange to transfer atleast 1.50 acres to the District board - the length of the strip of land to be transferred being almost equal to the length of the existing playground as otherwise it may not be convenient for use.

pp 19-20 cf

KSK
21.9.46

The minimum reqd. for the extension of the playground is 1.50 acres. The PBd may be asked to give this extent at least and reserve the rest for its own purposes. The land to be transferred may be demarcated in consultation with the High School authorities.

23.9.46

26.9.46

A draft memo is submitted below for approval.

3/9/46

KSK
27.9.46

pp 23-24 cf

[Issued as memo No 12048 B1/46-4 Edn d 30.9.46]

p 25 cf

From the Executive Officer Panchayat Bd. Kaveripatnam Roc. no 212/45 d 2.12.46

Please see the letter from the Executive Officer Panchayat Board Kaveripatnam on pp 25-26 cf and the remarks of the Special Officer Dt Bd Salem thereon on pp. 26-27 cf. According to the statement of the Special Officer the high School has got 10 acres left for

A

playground. This would seem to be sufficient. It is therefore for consideration whether the Panchayat Board should be directed to hand over to the Dt.Bd. the portion of the land which has been leased out for purposes other than house sites as suggested by the Special Officer in para 6 of his letter on p 27 cf. A

The remarks of L A may be invited please.

USU
5.2.47

W
14.2.47 LA

Ex P.H. memo No. 12048 B1/46-5
17.2.47
17/2

LOCAL ADMINISTRATION DEPT.
05533
17 FEB 1947
MP
SECRETARIAT, MADRAS

L.A.D.A.

This Dept may agree with A above.
The file may be returned to E&P.H.

Kr
4.2.47

25/2/47 S

26.2.47

27/2

E.&P.H.

E&P.H (B1) Dept.

L.A. no. 5533 - 1A
27/2/47

please See the remarks of L.A. above.
They have agreed with the proposal of the Spl. Officer Dt. Bd. Salem, that the panchayat Bd. ~~should~~ may be ~~directed~~ asked to hand over to the Dt.Bd. the portion of the land which has been leased out for purposes other than house sites.
A draft Memo is Subd. below for approval.
~~Legal may perhaps see before circulation~~

28 FEB 1947
16516
EDUCATION AND PUBLIC HEALTH DEPARTMENT

A above.

4.3.47
USU
5.3.47

W
5.3.47 S 18/3/47

32

Edn. and P.H.Dept.(B1)

C.No.42020 B1/47

Subject: Schools - Dt.Bd. - Salem - Bd. High School, Kaveripatnam - Resumption of land from the Kaveripatnam Panchayat Bd. for use as Playground.

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p.p.1-2.c.f.
p.5.c.f.

From the Executive Officer, Kaveripatnam Pt.Bd; Roc No.212/45 dated 18-4-47.
From the S.O.Dt.Bd. Salem; R.o.c.No.D2-13873-45 dated 8-5-47.

Vide p.1 n.f. cf. (V)
memo No. 12048 B1/46 Edn. dt 13-3-47

In the year 1928 the Dt.Bd. Salem handed over free of cost to the Kaveripatnam Panchayat Bd. for town extension purposes a plot of land in the Kaveripatnam extension area. As a portion of the land measuring 2.36 acres adjacent to the Bd.High School was not used for the purpose for which it was transferred to the Panchayat Bd. the Dt.Bd. in its resolution No.121 (590) dated 22-1-46 resolved to resume the land from the control of the Panchayat Bd. for use as playground for the Bd.High School, Kaveripatnam, and requested the Govt. to approve the resolution and to direct the Panchayat Bd. to hand over the land to the Dt.Bd. Out of this 2.36 acres of land 1.10 acres of land was actually handed over by the Panchayat Bd. to the Dt. Bd. on 2-10-46. In memo No.12048 B1/46-5 Edn dated 13-3-47 the Govt. advised the Panchayat Bd., to hand over the remaining ~~most of the~~ 1.26 acres of land to the Dt.Bd.

p.p.1-2 c.f. (V)
p.31 c.f. (V)
(V) p.p.31-32 c.f.

In his letter ~~at~~ p.p.1-2.c.f. the Executive Officer, Panchayat Bd., Kaveripatnam, has stated that it is not a fact that the land referred to above has been leased out for purposes other than house sites, and that out of this 1.26 acres of land 75 cents have been given to the Town recreation Club on 2-10-46. He has also requested the Government to approve the Panchayat Bds.' action in having handedover 1.10 acres of land to the Bd., and 75 cents to the Club. Attention is ~~also~~ invited in this connection to the resolution of the Panchayat Bd. at pp.3-4 c.f. wherein it has expressed its inability to part with any further portion of the land under its control to the Dt.Bd. On the otherhand the S.O. Dt.Bd. Salem requests that the Panchayat Bd. may be directed to handover the land before a prescribed date. It would seem that in a matter like this the Govt. can only advise but cannot issue a direction. The question of ~~haning~~ handing over the land required by the Dt

p.p.1-2 c.f.
T
p.5 c.f.

A

~~Bd.~~ has been pending since February 1946, and the panchayat Board has more than once pleaded its inability to hand over the land. In the circumstances the S.O. may be told that the Govt. cannot interfere in the matter, and that it is open to him to take legal action against the Panchayat Bd. if so advised.

The file may be sent to L.A. and Legal for remarks.

Vide pp. 17-18, 25-26 of (V) & pp 1-4 cf.

/R

AE
22-5-47
22/5/47

23-5-47 S
L.A
Legal

A/ "What about T. at p.1 ~~n.f.~~ ante?

B/ 'R' We need not encourage litigation between local bodies. Can't the Inspector of Local Bds. be expected to intervene and try and settle the matter?"

M.V.S.
23-5-47.

Extracts of Secretary's routine ... (B)

~~'A' at p. 1 ante~~ 'A' above :-

In memo no.12048 B1/46-6 Edn. dated 13-3-47 the Govt. advised the Panchayat Bd. to handover to the Dt.Bd.2.36 acres of land. But on the other hand the Panchayat Bd. has handed over only 1.36 acres of land to the Dt.Bd. and 75 cents to the Club.

(V) p.p. 31-32 cf.

1.36
75
2.11

In the circumstances stated in the note above ~~at p.p.1-2 n.f. below~~ the Govt. need not pass any orders on the point at 'T' at p.1 ~~n.f.~~ ante till the dispute between the two local bodies is settled.

LOCAL ADMINISTRATION DEPT.
19415
4 JUN 1947

~~'B' above~~ 'B' above :-

Under the ~~powers conferred under~~ provisions contained in section 234 of the M.L.B. Act, 1920. the Govt. have power to refer such matter for enquiry and report to an arbitrator or a board of arbitrators, and decide the dispute. It is also understood from L.A. that the Govt. have delegated their powers referred to above to the Inspector of Ml. Cls. & Local Bds. In the circumstances the present ~~issue~~ case may be transferred to the Inspector for ~~decision after enquiry~~ settlement. He may be asked to send a copy of his decision to Govt. The file may be sent to L.A. for remarks.

extract of (a)
MP

B (vide G.O. No. 1508, d/ 2/6/41 (supplied)) Orders delegating the powers were issued in

D L.A.

AE
1.5.47

26.5.47 S 3/6/47 L.A.

EYPHBs. No. 42020 B1/47-1
3.6.47

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(33) 33

L. A. Dept. (A)

Please see the notes of EYP.H on pp 1-2 ante.

2. Powers under section 234 have been delegated to the Inspector of Ml. cls. & Lh. Bds in G.O. No. 1508 L.A. dated 2/6/1941. The proposal at 'D' at the bottom of p 2 ante. may be agreed to in this Dept.

3. The file may be passed on to Legal u.o.

Through B section.
16/6/47

MP
7/6/47 7.6.47

16.6.47 S

Legal

Dp 17/6

LAm 19415/47-1A
17/6/47

6678

ASSISTANT SECRETARY
13 JUN 1947
LEGAL DEPARTMENT

Legal Department

It is seen from the report of the President, District Board, at page 7 of flag (V) that the land in question was transferred to the panchayat by notification under section 62 of the Local Boards Act. Section 62 provides that the District Board may, subject to such control as may be prescribed, by notification declare that any immoveable property vested in a local board shall vest in any other local board in the same district. It is understood that no rules have been framed under this section. This may be verified by L.A. In the absence of any rules, it does not seem permissible for the district board to impose any conditions as regards the vesting of the land or assert a claim for its resumption. It is not therefore possible to say that there is any dispute in a matter arising under the provisions of the Act within the meaning of section 234 (1).

A

The definition of a "local board" in section 3(11) means and includes a district board or panchayat.

B [L.A. may therefore consider, with reference to previous papers, if any, bearing on the point, the feasibility of the district board itself taking action under this

4

section for retransferring the land in question to itself from the panchayat.

266(a)

S. 27/6/47 E&PH

Legal no. 6678/47
27.6.47

E.M.H.(B1)

May be sent to L.A. w/o for necessary action with reference to the Legal Deptt's note above

29.6.47

29.6.47 L.A.

53251
2 JUL 1947

30/6

L.A. Deptt. (A)

E&PH 20 [illegible] 42020 B1/2/47
30.6.47

Portion marked 'A' on p 3 ante —

No rules have been issued ~~from~~ in this Dept under Sec. 62 of the M.D.M. Act 1920.

Portion marked 'B' on p 3 ante —

There are ~~no~~ previous papers bearing on the point ~~[illegible]~~ in this Dept.

The file may be returned to E&P.H. w/o for considering the feasibility of the district board itself taking action for ~~[illegible]~~ retransferring of the land in question to itself from the Panchayat board under Section 62 of the M.L.B Act.

9/7/47 9.7.47

6.7.47

S

11.7.47

2 JUL 1947

E&P.H. 11/7

E&PH(B1) LAns. 22839/47-1A
11/7/47

Please see the notes of the Legal & L.A. Depts above. L.A. Deptt say that no rules have been issued under Sec. 62 of the M.L.B. Act, 1920. The Legal Deptt have expressed the opinion that in the absence of any rules, it does not seem permissible for the Dt Bd to impose any conditions as regards the vesting of the land or assert any claim for its resumption: It does not seem possible for the Dt Bd to retransfer the land in question to itself. In any event, it does not seem necessary

Please see below. This would be allowing Dt Bd to arbitrate in its own case.

57047
12 JUL 1947

5

34

to give any legal advice to the district board in the matter.

~~For~~ orders whether the action of the Panchayat Board in having transferred 1.10 acres of land for purposes of playground for the Board High School may be approved and it may be left to the Dt Bd to take such action as it may consider necessary for resuming the remaining portion of the land.

14.7.47

Irrespective of whether section 234 of the M.L.B Act will be legally attracted in this case or not the Inspector of Municipal Councils and L.Bs may be requested to advise and settle the dispute in question between the two local bodies.

S.
16.7.47

p 3 ante

I take it that a Panchayat is a local authority also. The matter would then constitute a dispute between a local board and a local authority under Sec. 234.

'B'. There is seems to be a point that would arise for adjudication, and I am unable to see how this would be a ground for a conclusion that no dispute exists.

It is obvious that a dispute exists. For Sec. 234 to be attracted it does not appear to be necessary that the question should turn upon any particular section of the Act. The [illegible] matters arising under the provisions of this Act [illegible] wide enough [illegible] questions relating to any [illegible] claims [illegible] by the local authorities [illegible] the claim of each is based on its position as a local authority and the dispute relates to that position. In that view this would be a case for action under Sec. 234.

Legal may see again.

17/7/47

E&PH No. 42020 B1/47-3
17-7-47

7879

LEGAL DEPARTMENT.

No doubt, a Panchayat falls within the term "local authority". But for the applicability of section 234 of the Madras Local Boards Act, the dispute must relate to a matter "arising under the provisions of this or any other Act". A dispute regarding the interpretation applicability or scope of any provision of the Act may be said to be a dispute of that nature. Such a dispute does not exist in this case because what the District Board claims is that it has a right to resume the land, a right which cannot be referred, either directly or indirectly, to any provision in the Act.

2. Taking action under section 62 does not seem to be objectionable. The land was vested in the panchayat by a notification issued by the District Board. There is nothing improper if, for justifiable reasons, the District Board issues under section 62 another notification vesting the property in itself.

Kcrrd
28/7/47.

E&PH
E&PH

Legal No. 7879/47-1
28/7.

ASST. SECRETARY TO GOVERNMENT
29 JUL 1947
61369
PUBLIC HEALTH DEPT.

AG

E&PH(B.1)

Please see the Legal Deptt's note above. For orders whether ~~that Legal~~ Deptt's view will be accepted & if so the Dt Bd may be advised to take action under sec 62 & issue a notification vesting the property in itself.

KSR
30/7/47

The ~~question~~ dispute in this case is that the Dt. Board Salem wants to resume back the lands handed over to the Kavaripatinam Panchayat Board, free of cost, for extension, on the plea that the lands has not been used for the purpose for which the grant was made. The grant was made under section 62 of the Madras Local Boards Act. The Panchayat Board has pleaded its inability to hand

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35 (11)

(35)

over the land. So it will be seen that a dispute arising ~~under~~ out of the provisions of ~~Act~~ Sec 62 of the Madras Local Boards Act exists; section 234 of the Act can therefore be applied to the case and the Inspector of Ml Councils and Local Boards asked to settle the dispute.

We may press our view that I have indicated as in my note at p. 5 ante. If our view is accepted, this may be ordered.

May be circulated to Hon ~~(Educ)~~ Home ~~Hon (LA) and Hon (Educ)~~ Hon (Educ) and Hon LA

1.8.47

5/8
Sec (Home)
HM (Home) ✓
HM (Educ) ✓
HM (LA)

27 AUG 1947
GOVERNMENT OF MADRAS

28/8

The note on P5 correctly puts the position. Sec 234 may be applied and the Inspector may be asked to settle the dispute on its merits.

11/8/47

TSA

16.8.47

27 AUG 1947
GOVERNMENT OF MADRAS

The I.L.B. may be intimated to settle the dispute at an early date and report the same to the Govt.

24/8.

A draft Memo is submitted for approval

28/8/47

KSR
28/8/47

29.8.47

Issued as Memo No. 42020 B1/47-4 dated 1.9.47

p9 c.f

From the Inspector of Ml. Councils & Local Boards, L Dis 36484/47 d 17.3.1948

p17 c.f

In its resolution d ~~20~~ 19. 2. 1948, the Dt. Board Salem has resolved not to insist on ~~the~~ 75 cents of land reverting to it so long as the plot is used for recreation purposes. The action of the Panchayat

PTO

8

42020/B1/27

Board, Kaveripatnam in having handed over 1.10 acres of land to the Dt. Board & 75 cents to the Town recreation club may be approved. A draft order is submitted for approval. ~~May be circulated to HM (Edn), HM (LA) & HM (Home) for approval.~~ L.A. may see before circn.

31/3/48

31.3.48

3.4.48

S

LD 7/4/48

LA.

E 8p. 42020 B/27-9 E dated 8/4/48

L.A.D

LOCAL ADMINISTRATION DEPT.
14366
8 APR 1948

Seen
9/4/48

Exp

MP 9/4

E HM (37)

LA no. 14366/48-1A
9/4/48

The file may now be circulated to HM (Edn) and HM (LA) ~~and HM (Home)~~ for approval of the draft order below

13.4.48

14.4.48

S

HM (Edn) / HM (Edn.)

HM (LA)

ASST. SECRETARY TO GOVERNMENT
12 APR 1948
EDUCATION AND PUBLIC HEALTH DEPT.

ISA
30-4-48

26749

0 MAY 1948
GOVERNMENT OF MADRAS

36