

Edn. & P.H.

(1949) Department.

Education

SERIES.

G.O. NO. 3544 Education

Dated 17.11.949.

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Order on
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[Despatch Abstract.]

Grant - Building - Dr. Alagappa Chettiar's College, Karaikudi -
Construction of the first ~~first~~ floor - Disbursement - Pending
scrutiny of the title deeds by the Government Solicitor -
Permitted.

Back Papers.

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

Further Papers.

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

Education Department

From

The Director of Public Instruction,
Madras.

To

The Secretary to Government,
Education and Public Health Department

Re 513 D2/48 dated 5-11-49

By Special
messenger Sir,

Subject: Grant Building - Dr. Alagappa Chettiar
College, Karaikudi - Construction of
first floor and Hostel Block - Title
to the property

Reference G.O. Ms. No. 2993 Edn dated 29.11.48 *Mr. P. S. S. S.*

Government in their order cited above,
sanctioned the inclusion in the list of approved works
of the scheme for the construction of first floor to the
new blocks of Dr. Alagappa Chettiar's College, Karaikudi
at an estimated cost of Rs 5.60 lakhs rendering the scheme
eligible for a maximum grant of Rs 75,000/- Again in
their order No. MS 1577 Edn dated 16-5-49 Government
sanctioned the payment of the grant of Rs 75,000/- for the
above scheme during the current year. The grants will be
disbursed in accordance with the provisions of the Grant
in aid Code. R

2. With reference to rule 54(ii) of the Grant in
aid Code, the grant can be paid after the title is scrutinised
and found to be in order by the Government solicitor. I
submit herewith a copy of the opinion of the Government
Solicitor in the ~~matter~~ *matter*, together with a copy of the
representation dated 29-10-49 from the Correspondent of the
College. As it will take some time for the property to be
handed over after acquisition and as the grant has to be
disbursed during the current year, I request that Government
may be pleased to permit the payment of the grant pending
scrutiny of the title deeds by the Government Solicitor,
subject to an undertaking being taken from the management
that it will refund the amount, if the title deeds are found
to be defective. Such a permission was accorded to
Osmania College, Kurnool in Govt. Memo No. 43735-G.2/49-2 Edn dated
11-7-49.

Yours faithfully,

for Director of Public Instruction

Vk 5.11



Copy of letter No. 3952 dated 26th Oct. 1949 from the Government Solicitor, Madras.

I acknowledge receipt of your letter Rc No. 513 D2/48 dated 24th instant with enclosures.

I understand from the letter dated 30th August last from the Correspondent/trustee of the institution that the lands in question are being acquired by Government under the land acquisition Act and that only the preliminary notice under section 6 thereof has been published. I am of opinion that until the award is passed and the property handed over to the trust, the title of the trust to the property cannot be said to be in order.

When the acquisition proceedings have been completed and the property handed over to the trust the trustees appear to have power to mortgage same in favour of Government under the provisions of the trust deed dated 29th October 1947.

/True copy/

Copy of letter 29th October 1949 from the President, Dr. Alagappa Chettiar College, Endowment Trust,

Ref: Our application dated 30-9-49 for the grant of Rs 75,000/- towards the cost of construction of the College buildings

In Notification No. 311 (Education Department) dated 25-11-1947 Government have, under sub-section (1) of section 17 of the Land Acquisition Act, directed that the possession of the land might be taken on the expiry of 15 days from the date of the publication of the Notification contained in section 9(1) of the said act. In pursuance of a Notice issued under the last-mentioned section of the Act, the land in respect of which the above notification was issued, was taken possession of by the Trust on 27-12-47.

2. Under section (1) of section 17 of the Land Acquisition Act and para 18 of the Board's standing order 90, when land under acquisition proceedings is taken possession of, it will rest absolutely with the Government who, in turn, have vested it in the Trust. And this confers on the Trust indefeasible title to the property. The question of final award in regard to this land is now restricted to the quantum of the compensation only, and the title to property is in no way or to any extent affected.

3. To remove the possibility of any doubt on the part of the legal authorities, we request that you will be good enough to draw their attention to the above provisions of the law to enable us to draw the grant immediately. If, however, you consider that this matter requires the approval of the Government, we request that you will be good enough to address them and obtain the necessary orders.

Thanking you.

/True copy/

for Director of Public Instruction.

E.& P.H.(G.2)

Grant - Building -Dr.Alagappa Chettiar's College,Karai-
kudi -Construction of the first floor -Disbursement -
Pending scrutiny of the title deeds by the Govt.
Solicitor - Permitted.

C.No.86167/49.

Read:- G.O.No.1577 Edn., dated 16.5.1949.

From the D.P.I.Rc.No.513-D2/48 dated 5-11-1949.

Order/Ms.No. 3544, Edn.,dated 17.11.49.

In the circumstances stated by the D.P.I. in his
letter cited, ~~the D.P.I.~~ ^{he} is authorised to disburse the grant
sanctioned ~~for~~ in the G.O. quoted above, to the management
of the Dr.Alagappa Chettiar's College,Karaikudi, for the cons-
truction of a first floor to the existing college buildings,
pending scrutiny of the title deeds by the Government Solici-
tor ^{of the title deeds in respect of the property} subject to an undertaking being taken from the management
that it will refund the amount, if the title deeds are found
to be defective, before returning the amount.



To

The D.P.I.
The A.G.through Fin.
3 spare copies.

Note. - The draft order above is based on the analogy of
Memo.No.48735-G2/49-2Edn., dated 11.7.1949 in which a similar
permission was granted to the management of the Osmania
College,Kurnool. Finance may see prior to circulation.



28988 (2)
9/11/49
11/11/49
12/11/49

Please see the D.P.I.'s letter m.p.1.c.
The draft order above may be accepted
subject to the addition indicated in para 1.

75970 A1
14/11/49

5/10/49
10/11/49
Fin

Fin (Exp A)

13/11/49

14/11/49

Ed PH(G2)

The draft order may issue after
circulation to HM (ER)

15-11-49

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16.11.49

H. N. (S & L)

Handwritten signature

16/11



GOVERNMENT OF MADRAS.
ABSTRACT.

GRANT - Building - Dr. Alagappa Chettiar's College, Karaikudi - Con-
struction of the first floor - Disbursement - Pending scrutiny of the
title deeds by the Government Solicitor - Permitted.

EDUCATION AND PUBLIC HEALTH DEPARTMENT.
G.O. No. 3544, Education,
Dated 17th November 1949.
Read the following:-

G.O. No. 1577, Education, dated 16th May 1949.
From the Director of Public Instruction, Rc. No. 513-12/48 dated 5th
November 1949.

ORDER:

In the circumstances stated by the Director of Public Instruc-
tion in his letter cited, he is authorised to disburse the grant sanc-
tioned in the G.O. quoted above, to the management of the Dr. Alagappa
Chettiar's College, Karaikudi, for the construction of a first floor
to the existing college buildings, pending scrutiny by the Government
Solicitor of the title deeds in respect of the property. An undertaking
should be taken from the management that it will refund the amount, if
the title deeds are found to be defective, before disbursing the amount.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

J.M. LOBO PRABHU,
Secretary to Government.

To The Director of Public Instruction.
The Accountant-General through Finance Department.
Forwarded/By order

SUPERINTENDENT.

AMC.17.11.

