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Sectt. II-27-58,004-27-10-47.

E J P H

(1948) Department.

9

Ms. SERIES.

G.O. NO. 876 Edm.

Dated 25.3.1949

0/10/49

[Despatch Abstract.]

Schols. Government Secondary and Training
School for Women, Erode - Coronation Site - Transfer
to the Kalaimagal Kalai Virayam - Amendment
to No. 1266 Edm. dated 19.5.48 - Issued.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1266	Edn.	19.5.48.				

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
11	2162	Edn.	2/8/50.				
"	1276	Edn.	2.7.56.				

EDUCATION DEPARTMENT.

FROM
SRI D.S.REDDI, M.A. (Oxon),
DIRECTOR OF PUBLIC INSTRUCTION,
M A D R A S.

TO
THE SECRETARY TO GOVERNMENT,
EDUCATION AND PUBLIC HEALTH
DEPARTMENT.

R.C.NO.69-D.2/47 Dated 12-7-1948

Sir, SUB: Alienation - Coronation Site - Transfer to the Kalaimagal
Kalvi Nilayam, Erode -Draft agreement

REF: G.O.No.1266 Edn dated 19-5-1948

With reference to para 3 of the G.O. read above, the Government Solicitor, was requested to draw up a draft of the agreement. He wants to know whether the Government's idea is to convey the properties in question absolutely to the Kalaimagal Kalvi Nilayam for the consideration of Rs.18,741/- being the cost of construction of the shed and compound wall or whether it is intended to create a lease in favour of the said Nilayam for any period on a consideration of the said amount. I solicit necessary instructions in the matter.

Yours faithfully,

Sheela

for Director of Public Instruction.

RVR-13/7/-

3/13/7.

O.F. 32

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

Received

Registered

To

The SECRETARY TO GOVERNMENT,
EDUCATION AND P.H. DEPARTMENT.
MADRAS.

Enclosures :

No. RC. 69/D2/47 dated 23rd July 1948.

Sir,



SUB:- Alienation - Coronation site - Transfer to
Kalaimagal Kalvi Nilayam - Erode:
REF:- (1) G.O. No. 1266, Edn., dated 19th May 1948.
(2) My letter RC. No. 69/D2/47 dated 12.7.48.

The Correspondent, Kalaimagal Kalvi Nilayam, Erode, reports that he agrees to take over the coronation site with the building on it and fulfil all the conditions prescribed in the G.O. He has remitted Rs. 5000/- into the Erode Sub-Treasury as required in the G.O. and has submitted the treasury receipt. I presume that the treasury receipt need not be submitted to Government but may be filed in this office.

Instructions on my letter read above are awaited.

Yours faithfully,

Handwritten signature

for Director of Public Instruction.

56140

52869

Legal/2
on 26/7/48

3

E & PH (B) Dept.

Please see the letter from the DPJ on page 1 ante.
The main file on the subject has been sent to legal and
finance for remarks. This may lie even till the
main file is received back.

m
31-7-48

397/48

152
397/48

C. no. 52369 B1/48.

NO
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29
pic
p29

Deposited
then file with
the govt. (A)

89/48

p2847 (A)

E & PH (B) Dept.

Schools. Government Secondary and Training
School for Women, Erode. Coronation Site - Transfer
to the Kalaimagal Kalvi Nilayam, Erode.

From the DPJ., PC. no. 69 D2/47 dt 12.7.48.
Do Do 23.7.48.

Memo. no. 52369-B1/48-2 E.Dn. dt 8/9/48

The Director of Public Instruction is
informed that the transfer of the Coronation
Site to the Kalaimagal Kalvi Nilayam,
Erode, approved in G.O. M.S. no. 1266 E.Dn.
dated 19.5.48 should be deemed to be
a grant of a license to the Nilayam to use
the site as a grant under the Brown Grants Act, 1895.

2. The treasury receipt received
from the Nilayam in regard to the remittance
P.T.O.

25
of Rs. 5000/- into the Erode Sub. Treasury
may be filed in his office.

te 9-48

by 9/48

The D.P.S.

EDUCATION DEPARTMENT.

FROM
THE DIRECTOR OF PUBLIC INSTRUCTION,
M A D R A S.

TO
THE SECRETARY TO GOVERNMENT,
Education & Public Health Department,
M A D R A S.

17 DEC 1948

R.O. NO.69-D2/47 dated 15-12-1948.

Sir,

SUB: ALIENATION - Coronation Site - Transfer to the
Kalaimagal Kalvi Nilayam, Erode - Draft agree-
ment.

-x-

REF:i) G.O.No.1266 Education dated 19-5-1948.

ii) Government Memorandum No.52369-B1/48-2
Education dated 8-9-1948.

A copy of letter No.3749 dated 4th December 1948,
from the Government Solicitor is herewith submitted, for -
favour of necessary instructions in the matter.

A copy of petition dated 22nd November 1948 from
the Correspondent, Kalaimagal Kalvi Nilayam, Erode is also
submitted. The opening of roads to cut the site of the -
school playground will be detrimental to the interest of -
the school.

Yours faithfully,

for DIRECTOR OF PUBLIC INSTRUCTION.

Ram.16/12.

Copy of No. 3749 dated 4th December 1948 of the Government
Solicitor to the Director of Public Instruction, Madras.

SUB: Alienation - Coronation site - Transfer to the
Kalaimagal Kalvi Nilayam - Erode - Draft agree-
ment.

With reference to your letter No.Rc.69-D2/47 dated of
the 19th ultimo with its enclosures, received in my office
on the 25th ultimo, please furnish me the following parti-
culars:-

1. Whether the sum of Rs.18,741/- was intended to be
taken from the management of Kalaimagal Kalvi Nilayam as
consideration for allowing the Nilayam to use the site in
question and the sheds erected thereon or it was intended
to be taken from the said Nilayam as a security deposit for
their carrying out the terms specified by the Government?
2. If the site with the sheds thereon revert to the
Government on the breach by the said Nilayam of any one of
the condition specified, is the said sum of Rs.18741/- in-
tended to be forfeited to the Government or returned to
the said Nilayam?

(True copy)

for Director of Public Instruction

Copy of petition from the Correspondent, Kalaimagal Kalvi Nilayam, Erode to the Commissioner, Municipal Council, Erode.

Sub: Resolution before the Council to open roads into the Coronation Site of Kalaimagal Kalvi Nilayam Erode.

I am herewith communicating ~~the~~ a resolution of the managing body of the Kalaimagal Kalvi Nilayam on 21-11-48 with Dr. L.K. Muthuswami as President.

"This meeting of the Managing Body regrets very much that a resolution has been brought before the Council for opening one or more roads into the Coronation Ground recently transferred to the Kalaimagal Kalvi Nilayam by the Government.

The Managing Body regrets to say that it cannot comply with any request to open any road into the said site.

The Managing Committee requests the Council to reject any resolution brought before it for the purpose of opening road or roads. It is ultra vires, calculated to harm a growing and useful Girls' Institution.

The managing committee of the Kalaimagal Kalvi Nilayam is at present managing the following three institutions:-

1. Middle school for girls.
2. Nursery & Kindergarten school for children.
3. Hostel for girls.

In all the three institutions the present strength is over 450. The space available for the management for all these three institutions is a plot of ground 170' x 103'.

The hostel building and the adjoining ~~the~~ site now used by the Nilayam are the properties of Sri S. Meenakshisundara Mudaliar for the use of which rent is paid to him.

The management agreed to pay to the Government Rs. 17841/- for the temporary shed on the Coronation site because the Coronation site measuring 3.56 acres was to be transferred to the Nilayam along with the buildings. Most of the present buildings are thatched sheds and tiled sheds. So the Government have asked us to submit plans and estimates for buildings to be constructed in the Coronation site for the use of the school.

We require at least 5 acres of land for the above mentioned three institutions and so cutting the present site into bits by opening roads into it is unthinkable.

Further there has been no road or roads sanctioned by any Council at any time and in every survey the site has been left unmolested.

Between the new site and the old Kalaimagal Kalvi Nilayam Buildings there is only a small strip of private land 60' x 100' and application for acquiring it for the school is being submitted to the Government. This will enable us to have one ~~street~~ ^{Sketch} of compact land to be enclosed by compound walls.

Not only is the site being used as a public latrine by the people living near by but also the school latrine and if roads are opened no girls' school could be run in the site.

Sd. x x x
Correspondent.

8/ EDUCATION AND PUBLIC HEALTH DEPARTMENT (BI)

SCHOOLS - Government Secondary and Training School for Women, Erode - Coronation site - Transfer to the Kalaimagal Kalvi Nilayam, Erode.

From the Director of Public Instruction, R.C.No. 69-D2/47 dated the 15th December 1948.

MEMO NO. 94718-B1/48-3 Ltr to 31/1/49

The Director of Public Instruction is informed that the amount of Rs. 18,741/- ordered to be paid by the Kalaimagal Kalvi Nilayam, Erode, in G.O.No. 1266 Education dated the 19th May 1948, represents the cost of construction of sheds by Government in the Coronation site and that it is not the intention of Government to return the amount to the Nilayam, ~~but~~ It will be forfeited to Government in the case of breach of any of the conditions imposed in the G.O.

P.T.O.

2. The intention of Government is that no compensation should also be given to the Nilayam for the buildings put up by it in the site, in the event of ^{the} transfer of the site to Government on the infringement of any of the conditions imposed on it. They consider that the above G.O. and the draft deed to be executed by the Nilayam should provide for this condition. ^{to clause 3 in the G.O.} It is therefore proposed to add the following words, namely, "and the Government will not be liable to pay any compensation to the Nilayam for the said buildings" to clause (3) of the ^{Violate the legal dem} ^{note up 2 up} G.O. The Director is requested to ascertain from the Nilayam and report, at a very early date, whether it agrees to the above amendment.

To

The D.P.I.

FROM

EDUCATION DEPARTMENT

The Director of Public Instruction,

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

M A D R A S.

Rc.69D2/47 dated 28-2-49

Sir,

Sub:--ALIENATION--Coronation site--Transfer to the Kalaimagal Kalvi Nilayam, Erode.

Ref:--Govt. Memorandum No.94718-B1/48/dated 31-1-49

The management of the Kalaimagal Kalvi Nilayam, Erode agrees to the amendment suggested in the Government Memorandum cited above.

Yours faithfully,

For Director of Public Instruction

Clb.1-3-49

C.No.94718-B1/48.

SCHOOLS - Government Secondary and Training School for Women, Erode - Coronation site - Transfer to the Kalaimagal Kalvi Nilayam - Amendment to G.O.No.1266 Edn. dated 19-5-1948 - Issued.

(A) 28g

pp 6-7 g 8 2/3

plog

25/3/49

(A) 28g

From the Director of Public Instruction, R.C.No. 69-D2/47 dated the 15th December 1948.

From the Director of Public Instruction, R.C.No.69-D2/47 dated the 28th February 1949.

ORDER MS. NO. 876 EDUCATION, dated 25/3/1949.

In G.O.No.1266 Education, dated the 19th May 1948, the Government directed that the Coronation Site with the shed already constructed ^{by Govt} on it for the use of the Government Secondary and Training School for Women, Erode, be transferred to the Kalaimagal Kalvi Nilayam, Erode, subject to certain conditions. One of the conditions is that, if at any time, the Nilayam ceases to conduct educational work recognised by the Government or fails to satisfy the other conditions mentioned in that order, the site will revert to the Government with the shed and other buildings, if any, put up by the Nilayam. The question has now been raised whether any compensation should be given to the Nilayam for the buildings put up by it in the site, in the event of its transfer to Government on the infringement of any of the conditions imposed. The Government have carefully considered the question and have decided that no compensation should be paid to the Nilayam in such a contingency ^{They have also decided} and that the draft deed to be executed by the Nilayam should provide for this condition also, and that the G.O. referred to, should be amended accordingly. The Government therefore direct that the following ^{will} be added to clause (3) of the G.O.:-

"and the Government will not be liable to pay any compensation to the Nilayam for the said buildings".

P.T.O.

Condition (3)
(A) 28g

p7g

Vide pp 5-7 ny

at the end of condition (3) in paragraph 1

(A)

M/

3/2. The Director of Public Instruction is requested to have the above amendment included in the draft deed to be executed by the Nilayam and to submit it to Government for their approval.

To
The D.P.I.
The K.K. Nilayam,
Erode.

G. m. 52369-12/48.

SCHOOLS - Government Secondary and Training School for Women, Erode - Coronation Site - Transfer to the Kalaimagal Kalvi Nilayam.

From the Director of Public Instruction, H.C.No.69-D2/47 dated the 12th July 1948.

In G.O.No.1266 Education, dated the 19th May 1948, the Government directed that the Coronation Site with the shed already constructed on it for the use of the Government Secondary and Training School for Women, Erode, be transferred to the Kalaimagal Kalvi Nilayam, Erode, subject to the following conditions:-

(i) that the amount of Rs.18,741/- (Rupees eighteen thousand seven hundred and forty one) spent on the construction of the shed and compound wall be paid by the management of the Kalaimagal Kalvi Nilayam, Erode, to the Government. Of this amount, a sum of Rs.5000/- (Rupees five thousand only) should be paid to Government by the management before 31st July 1948, another sum of Rs.5,000 (Rupees five thousand) before 31st December 1948 and the balance of Rs.8,741/- (Rupees eight thousand seven hundred and forty one) before June 1949,

(ii) that the site and the shed thereon should be exclusively used for recognised educational purposes and no portion of the site be hired out or used for any profit making business, and

(iii) that, if at any time, the Nilayam ceases to conduct educational work recognised by the Government or fails to satisfy the other conditions mentioned above, the site will revert to the Government with the shed and other buildings, if any, put up by the Nilayam.

The D.P.I. was asked to obtain from the Government Solicitor a draft of the agreement to be entered into with the management of the Nilayam so as to make the above conditions legally binding on that body and to submit for approval of Government.

para 3 on p289

9(A)

(of Public Instruction)

2. The Director now reports that the Government Solicitor wishes to be informed whether the Government's idea is to convey the properties in question absolutely to the Kalaimagal Kalvi Nilayam for the consideration of Rs.18,741/- being the cost of construction of the shed and compound wall or whether it is intended to create a lease in favour of the said Nilayam for any period on a consideration of the above amount. It is submitted that the transfer of the site in question is a conditional transfer in as much as it was transferred to the Nilayam subject to the conditions mentioned on page 1 ante, and the site will be ~~under the~~ ~~control~~ in the possession of the Nilayam, so long as the Nilayam satisfies those conditions. ~~It does not appear to be the intention to give the site on lease - the question of payment of cost of the shed to Govt will not arise~~

3. Before giving a reply to the Director, Legal and Finance may be consulted U.O. as to the reply to be given.

24/7/48
23-7-48
23-7-48

LEGAL DEPARTMENT

Attention is invited to G.O.1226, Education, dated 19-5-1948. According to that G.O. the coronation site ~~with~~ with the shed already constructed is to be transferred to the Nilayam subject to the conditions specified in that G.O. The transfer cannot be regarded as a lease for it neither specifies the rent nor the term of the lease; nor can the transfer be regarded as an absolute sale inasmuch as under condition (3), the site will revert to the Government with the shed and other buildings put up by the Nilayam if it ceases to conduct educational work recognized by the Government or fails to satisfy the other conditions mentioned in the G.O. In the circumstances, the transaction can only be regarded as the grant of a licence to the Nilayam to use the property and the Nilayam will be a licensee. The transfer may also be regarded as a grant under the Crown Grants Act, 1895. Although the

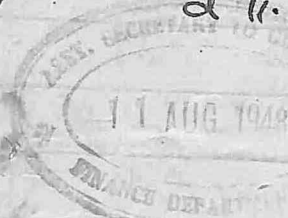


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26/7/48
9.85

word 'land' occurring in that Act has not been defined, it would seem that it would include also buildings which are attached to the land.

20/8/48

Legal no 9185/48-1
d 11.8.48



17.8.48

File no 77370 Expt-1
17.8.48



61758 A
20/8/48



20/8/48

Please see the notes in pp 1-3 above.
2 Finance may agree with the views of Legal Dept.
17.8.48

Encl + PH (B) Dept.

Please see the notes of Legal and Finance on pages 2-3 above. In the circumstances stated in the note of Legal Dept. above, it is for orders whether the DPG may be informed that the transfer of the Coronation site to the Kalaimagal Kalvi Nilayam, Erode, should be deemed to be the grant of a license to the Nilayam to use the site or as a grant under the Crown Grants Act, 1895.

2. With ref. to the letter from the DPG on page 2 of, he may be informed that the treasury receipt recd from the Nilayam in regard to the remittance of Rs. 5000/- into the Erode Sub-Treasury may be filed in this office.

3. For orders as to circulation.

20/8/48

1.9.48

Please see the orders in circulation on page 3 ante. It is presumed that the first of the two alternatives referred to at 'A' on page 3 ante. has been approved. ~~If so,~~ The ~~file~~ draft memo below is for approval.

u-9-48

S

by g/v

[Memo. no. 52369-B1/48-2 E.M. dated 8.9.48]

1p. p45g

From the D.P.G., R.C.M. 69 D2/47 dated 15.12.48.

pp6-7g

The D.P.G. requests instructions on the following points raised by the Govt. Solicitor in connection with the preparation of a draft deed of agreement to be executed by the management of the Kalaimagal Kalai Nilayam Trade.

(1) Whether the sum of Rs. 18,741/- was intended to be taken from the management of the K.C. Nilayam as consideration for allowing the Nilayam to use the site in question and the sheds erected thereon or it was intended to be taken from the Nilayam as a security deposit for their carrying out the terms specified by the Govt., and

(2) if the site with the sheds thereon revert to the Govt. on the breach by the Nilayam of any one of the conditions specified, whether the sum of Rs. 18,741/- is intended to be forfeited to the Govt. or returned to the Nilayam.

2. It is submitted the amount of Rs. 18,741/- ~~is~~ ^{represents} the amount spent ^(by Govt.) on the construction of the sheds in the Govt. site. As the site with the shed was to be transferred to the Nilayam, it was considered that the amount should be recovered from the Nilayam. It may be treated as a consideration for allowing the Nilayam to use the site & buildings shed erected in it.

154 & (A)

12-11-48
A
by g/v

as stated by the Govt. Solicitor in item (1) on page 4 ante. There was no intention to take a security deposit.

In regard to item (2) on page 4 ante, it is submitted that according to G.O. 1266 E.M. 9 19.5.48, if the Nilayam ceases to conduct educational work recognised by Govt. or fails to satisfy any of the conditions specified therein, the site will revert to Govt. with the shed and other buildings put up by the Nilayam. It is not the intention to return the amount of Rs. 18,741/- is intended to be returned to the Nilayam and forfeited to Govt. in the case of breach of any of the conditions imposed in the G.O. referred to above. ~~The question whether the~~ ^{less depreciation} ~~loss incurred on the construction of buildings~~ in the site by the Nilayam will have to be repaid to it if the site with the shed & the buildings put up by the Nilayam revert to Govt. has not so far been considered. This may be considered later if such contingency arises & the management moves in the matter.

3. Legal may perhaps see before circulation to J.M.C. (M).

The conditions were suggested by J.M.C. (M)

(V)/12/48 by g/v

24/12/48
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21.12.48

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S by g/v

Legal Department

If the intention is that compensation should not be paid to the Nilayam for the buildings put up by it on the land alienated to it, it is desirable to make that clear even at the very outset so that there would be no scope for any controversy. Condition (3) on page 28 c.f. of (A) and the draft deed also may specifically provide for this.



21/1/49

S by g/v

C.P. 11

94718/1/48

E & PH (B) Dept.

The notes of this department and that of the Legal Department on pages 4-5 ante may be perused. Legal have noted that if it is the intention that Compensation should not be paid to the Kalaimagal Kalvi Nilayam for the buildings put up by it on the Corona hill site in the event of the transfer of the site to Govt on any given infringement of the conditions imposed in the G.O. no. 1266 G.O. of 19.5.48, it is desirable to make that clear even now. For this purpose they advise that Condition (3) of the draft deed may provide for this.

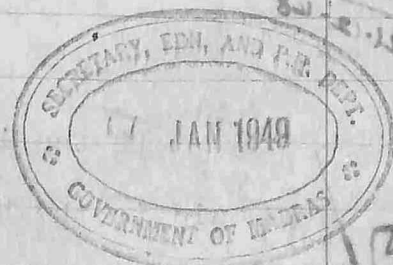
2. The file may now be circulated to HM (Eth) for orders whether the suggestion of Legal Dept. mentioned in para 1 above may be accepted and also for orders on the points raised at 'A' on page 4 ante and 'C' on page 5 ante.

m
7-1-49

W.H. (Eth) (Lr.)

ISA

15-1-49



It is presumed that HM (Eth) has agreed to the views expressed at 'A' and 'C' on pages 4-5 ante and also with the view of the Legal Department mentioned in para 1 above. If so, the Director may be informed that the amount of Rs. 741/- represents the cost of construction of the sheds in the site by Government and that it is not their intention to return the amount to the Nilayam but it will be forfeited to

P.T.O.

A/289

M

P-289(A)

Government in the case of breach of any of the conditions imposed in G.O. no. 1266 G.O. of 19.5.48.

2. As it is the intention of Government that no compensation should be given to the Nilayam for the buildings put up by it, in the event of infringement of any given conditions imposed, clause (3) of the G.O. referred to above should be amended. It is submitted that the words "and no compensation will be paid by Govt to the Nilayam for the buildings put up by it" may be added to clause (3) of the G.O. Legal Department may be consulted on the amendment suggested to the wording of the clause.

3. It is presumed that if clause (3) of the G.O. is amended as stated in para 2 above, it is presumed that the Nilayam will have to be consulted whether it agrees to the amendment before the clause is actually amended. If so, the Dir may be requested to ascertain & report on this point.

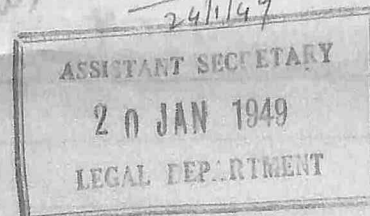
4. Before sending a reply to the Director, the file may sent to Legal Dept. for their reference to para 2 above.

m
19-1-49S. Legal
G. H. L.

LEGAL DEPARTMENT.

The addition suggested at M above may be recast as follows:--

"and the Government will not be liable to pay any compensation to the Nilayam for the said buildings."

m
24/1/49 E & P. H.

94718 B1/48

9

B1 EC

Please see the note of the Legal Department on page 7 ante. A draft memo to the DPP is submitted below for approval.

22/1/49
27-1-49

29-1-49

S. W.
31/1/49

[Memo. m. 94718. B1/48. 3 Edn. dated 31.1.49]

pp8-99

From the Director of Public Instruction, EC. m.
69. D2/47 dated 28.2.1949.

pioy

The Kalaimagal Kalai Nilayam, Erode, has agreed to the amendment now proposed to clause (3) of Co. 1266 Edn. 19.5.48. A draft order is submitted below for approval. Legal & Finance may see prior to circulation.

4/3/49
4/3/49

5/3/49

S. W.
5/3/49

Agree
fin.

7/3/49

LEGAL DEPARTMENT.

Seen in Legal. The slight alterations indicated at M on page 1 of the draft may be made.

Legal memo 2699/49-1
7/3/49

11/3/49 fin

Legal memo 2699/49-1
11/3/49

(Previous fin note on p. 3 ante)

The draft order below may be passed.

1/3/49

25-3-49

25-3-49

(B1)

The draft order may also be passed by HMC (Edn.)

22-4-49

21-3-49

S. W.
24-3-49
TSR
24-3-49

Fin (C) (C)



24/3/49

3