

Back Papers.

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

Further Papers.

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



From The Director of Public Instruction, Madras.
To The Secretary to Government, Education Department, Madras.

Re.No.11321-D2/46,d/7-5-50.

Sir,

Sub: ACQUISITION - Playground - Hindu High School, Triplicane - Acquisition of a house - Enhanced grant - Requested.

T/p 1cf
T/p 3cf

Ref: 1.My Post copy of T.M.-Re.365-D6/49, d/21.3.50
2.G.O.Ms.No.1014-Education-dated 27-3-50.

--o0o--

The application of the management of Hindu High School, Triplicane for the acquisition of the dilapidated houses on plot 2724/1 adjacent to the main building so as to extend the school playground (Drill Shed) was forwarded and recommended to the Collector.

2.A sum of Rs.5028-10-7 according to the award of the Collector was paid. The owner of the property filed a suit for higher compensation. In satisfaction of the higher compensation fixed by the Chief Judge, an additional sum of Rs.3023-3-5 was paid as directed by the Collector. Thus the actual amount spent by the management on the acquisition of the property is Rs.13052-3-0 (Rs.5028-10-7 plus Rs.3023-3-5). The area of the site R.S.2724/1 now acquired is 2034 Sq.ft. This was reported to Government in my Post copy of T.M. dated 21.3.50.

(T)

Pp 2-3 infra

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3.With reference to the instructions contained in G.O.Ms.No.1014, Education, dated 27.3.50, a grant of Rs.2514/- was authorised for payment in March,50. As a sum of Rs.13052-3-0 was paid for the acquisition of the property, the Correspondent requests that half of this amount may be sanctioned as grant. I submit herewith a copy of the representation from the management of the School. I consider that the claim is reasonable and recommend that Government may be pleased to sanction a grant equal to one half of the actual cost paid for the property i.e. Rs.6526/- and permit the payment of the balance grant (Rs.6526-Rs.2514) of Rs.4012/- during the current year. This is one of the popular schools in the locality where it is difficult to secure land for playground.

Yours faithfully,

J.O.Paulaiah
9/5

For Director of Public Instruction

sn.3.5.

8/5

397/49/50
11.4.50

31019

HINDU HIGH SCHOOL
TRIPPLICANE

Dated 10th April 1950



From
The Secretary and Correspondent,
Hindu High School, Triplicane,
Madras.

To

The Director of Public Instruction,
Madras.

Through
The District Educational Officer,
Madras.

Sir,
Subject:— Play ground grant.

An application for the acquisition of two dilapidated houses adjoining the school play ground was made and the buildings were acquired and possession was given by the Collector. The Collector of Madras gave an award of Rs.5028-10-7 towards the cost of the acquisition. The amount was paid by us and a half grant on the same was sanctioned payment by the Director of Public Instruction in his proceedings R.C.No.365 D6/49 dated 28-3-1950.

The award of the Collector was objected to and the Chief Judge of the Court of Small Causes ordered payment of further compensation and interest up to the date of payment. In accordance with the instructions from the Collector of Madras, a cheque for Rs.8023-8-5 in full settlement of the decree was sent to him.

The Government Solicitor who was asked to give his opinion regarding the filing of appeal against the orders of the Small Cause Court did not favour this idea. (Vide copy of his letter enclosed).

In the above circumstances, I request that payment of half grant may be sanctioned on the extra compensation of

P.T.O.

~~2~~ 3
Rs. 8023-8-5 paid by us as per decision of the Court of
Small Causes, Madras.

Yours faithfully,

S. V. Gnanasami
CORRESPONDENT
JPS

Copy of letter No. 357 dated 23rd January 1950 from the
Government Solicitor, to the Collector of Madras, Madras.

Sub: Land Acquisition--Triplicane--R.S.No. 2724/1 for
the Hindu High School--Acquired--Reference to
Court--L.C.No. 32 of 1949--Enhanced amount--
Payment of.

In continuation of my letter No. 227 of the 16th
instant I enclose a copy of the judgment in the above,
receipt of which please acknowledge.

I have perused the judgment in which the learned
Judge following the principle laid down by the High Court in
the case reported in 1948(2) M.L.J. at page 159, has held that
the net annual rent from the building should be capitalised
at 33-1/3 years purchase. The objection raised by me in
regard to the building bearing door No. 63, that the same
principle cannot be adopted has been over ruled by the
learned Judge following an earlier decision of the Madras
High Court reported in 1941 (2) M.L.J. at page 75. The latest
decision referred to above appears to me to be clear
authority for the principle adopted by the learned Judge in
this case and it is extremely unlikely that the judgment of
the learned Judge will be upset on appeal.

In the circumstances I am of opinion that no appeal
should be filed against the judgment in this case.

If it is intended to file an appeal against the
judgment the same should be filed on or before the 31st
March next, and instructions for filing the appeal should
be sent to me on or before the 15th March next.

Yours faithfully,
Sd/H.M. Small,
Government Solicitor.

(True Copy).

ms

Very urgent

T.M (hypoth) dated 2/6/50

Edup

P. et. so. 2/6

From, The A.S. to Gov, Edup
To, The D.P.T

Ref. Your letter No. 11321-72/46 dated 7-5-50 regarding
the acquisition of site for use as playground
for Hindu High School, Triflicane

T/PICF

It is observed from the copy of the letter of the Correspondent
of Hindu High School, Triflicane forwarded to Govt
with your T. No. 365-D6/49 dated 21.3.50 that the total
amount spent by the management for the site was Rs 13,052-3-0

Please explain in detail why you did not ^{then} recommend the
payment of grant on the basis of the amount actually
spent by the management instead of only Rs 2,514
recommended in your letter No. 365 D6/49 dated 23-2-50

P/PICF

RCB
2/6/50

11/51/80

Post copy of the Telephonic Message, R.c.No. 11321 D2/46.

Office of the
Director of Public Instruction,
Madras, Dated 9--6--50.

From
The Director of Public Instruction, Madras.
To
The Secretary to Government,
Education Department.

Ref: Your Telephonic Message (By Post) dated 2/6/50 regarding enhanced grants towards the cost of acquisition of site for use as play ground for Hindu High school Triplicane.

Though the Correspondent reported in March '50 that the total cost of acquisition was Rs. 13052-3-0, the specific request for the grant on the basis of this amount was made only in April 1950, after the further compensation of Rs. 8023-8-5 was paid in full settlement of the decree. Hence enhanced grant could not be recommended in February 1950.

S. O. Pantanal
for Director of Public Instruction.

C.R. 9/6
9/6 M. 9/6

Copy of the Telegram Message
Director of Public Instruction, Madras.
Dated 28.5.50

1274
1 JUN 1950
P.P. 21

For Director of Public Instruction, Madras.

Edu

10781-D/50-Edu dated 6/7/50

T.M.

From The A.S. to Govt, Edu Dept
To The Deputy D.P.I.

8/7

Hindu High Sch
P66P

Land Acq - Madras - Triplicane P! After
Ref: Director's letter No. 1/321-D2/46 dated 7/5/50
and T.M. dated 9/6/50 regarding the payment of
grant to the Hindu High School, Triplicane
for the acquisition of playground

The D.P.I. is requested to
ascertain and report the amount paid by
the management of the Hindu High School, Triplicane
towards the value of the dilapidated houses and
other materials on the land acquired for playground
to the school for deciding the grant to be paid to the school
A very early reply is requested

Dr. K. S. P. S. 8/7

CB
4/7/50

4/7/50

5/7/50

3/7/50

From

The Director of Public Instruction,
M a d r a s.

To

The Secretary to Government,
Education Department, Madras.

R.O.C.No. 11321 D2/46 dated 28-7-1950

SUB: Acquisition--Playground--Hindu High school,
Triplicane--cost incurredREF: Government Memorandum No. 1072 D/50--1 Edn.
dated 6-7-1950

The management of the Hindu High school Madras incurred an expenditure of Rs. 13,468--11--0 as shown below, towards the acquisition of the property

1. Acquisition officers				5028--10--7
original Award value	1695	0	0	
Value of land	2675	0	0	
Value building well etc.	2	12	0	
Trees	655	14	7	
15% Solitium				
	5028	10	7	
2. Extra compensation				
award by the Chief Judge				8023--8--5
Court of small cause				416 8 0
3. Government Solitor's fees				
Total				13,468--11--0

2. I submit herewith the letter dated 17-7-1950 received from the Correspondent Hindu High school, Triplicane together with the enclosures mentioned therein.

3. I may add that the compensation (Rs. 10627--12--5 plus 15% solitium) as determined by the Chief Judge, Court of Small Causes, was not based on the value of the houses, the land and other materials on the land acquired but on the capitalised value of the net annual income from the property as a whole.

Yours faithfully,

D. V. Sankaradurai

For Director of Public Instruction

ptv 29/7

63316

HINDU HIGH SCHOOL
TRIPLICANE

Dated 17th July 19 50

From

The Secretary and Correspondent,
Hindu High School, Triplicane,
Madras.

To

The Director of Public Instruction,
Madras.Thro' The District Educational Officer
Madras

Sir,

Subject:— Acquisition--Hindu High School, Triplicane--Play
ground--acquisition of building.With reference to the proceedings R.C.No.11321 D2/46
dated 14-7-1950, I am herewith enclosing the following:—

- 1) The original award of the acquisition officer
- 2) A true copy of the judgement of the Chief Judge,
Small Causes Court.
- 3) The receipt for the payment of Rs.8023-8-5 being the
excess compensation ordered by the Chief Judge,
Small Causes Court.
- 4) A true copy of the bill from the Government Solicitor
for Rs.416-8-0 which will be paid shortly and the
receipt for which will be forwarded as soon as it
is received.

Yours faithfully,

V. V. Subbala

CORRESPONDENT

Enclosures: 4

Copy to the Director of Public Instruction,
District Educational Officer, Madras.

Explanatory Memorandum (10)

This is a case of acquisition on behalf of the Hindu High School, Triplicane. The School authorities applied for the acquisition of the site (R.S.No.2724/1) of Triplicane for use as the school play ground. The Notification under Section 4(1) of the Act was published at page 472 of Part I-B of the Fort St.George Gazette dated 7th October 1947, and the Declaration under Section 6 of the Act at page 476 of Part I.B of the Fort St.George Gazette dated 20th July 1948. The site was inspected by Mr.Rayappa Reddy, the previous Personal Assistant to the Collector. There is no dispute regarding the extent to be acquired viz. 2034 sq.feet.

REGISTRY:--

R.S.No.2724/1 stands registered in the Revenue Accounts in the name of Haji Hakim Ahmedulla Saheb. Enquiry shows that the Registered holder is dead and that the property was sold to Sofia Bi by the Registered Holder (her husband) in document No. 637/22 dated 16-3-22. There are no encumbrances on the property.

VALUATION:--

The property comprises of two buildings and a vacant land. As both the land and the buildings are acquired, it was proposed to calculate the compensation on the basis of capitalisation of the net rental income derived by the owner from the property. This is what the owner wants to be done in his statement dated 30th August 1948 filed during the award enquiry. But my predecessor who inspected the site has stated that of the two buildings, the northern building is very old and may come down at any time; that the southern one though partly built up recently, is also not a solid structure, and that it cannot last for 30 years and has suggested the land and the buildings may be valued separately. I see no reason to differ from my predecessor and I adopt the method of valuation suggested by him.

The buildings have been valued by the Public Works Department at Rs.2675/- and this rate will be adopted.

As regards the valuation of the land, it is reported that there have been no recent sales in the vicinity. In fixing the ground rent of Rs.1-12-0 for R.S.No.2263/2 of Triplicane for an extent of 30 Sq.feet in 1943, a rate of Rs.3500/- per ground was taken into consideration. The same rate was considered reasonable for Rs.No.2263 of Triplicane when there was a proposal to acquire the house and ground bearing R.S. No.2263 for the T.U.C.S.Ltd. The land in question R.S.No.2724/1 is situated at a distance of about one furlong from R.S.No.2263 of Triplicane. It is 30 or 40 yards away from Veeraraghava Mudali Street. But it has no direct access to Veeraraghava Mudali Street. It is in the interior in a lane where poor class people reside. I think that a rate of Rs.2000/- per ground will be reasonable and I adopt that rate.

TREES:-

There are a cocoanut tree and cocoanut plant in the plot. The tree will be valued at Rs.2-8-0 and the plant at Rs.0-4-0.

The tenant, Mqbool Hussian Saheb who is in the occupation of the premises No.63, Mufti Amirullah Saheb Street on the strength of lease deed dated 10-10-1947 claims compensation for his being evicted without proper proceedings before the Rent Controller. I find from letter dated 23-9-48 received from the Counsel for the tenant that the Rent Controller has passed an order dated 17-9-48 in Application No.3680 of 1948 evicting him for non-payment of rent. I do not think that he is entitled to any compensation and he will not be paid any compensation.

In the result the following award is made:-

1. Market value of land measuring 2034 Sq.Ft. at the rate of Rs.2000/- per ground	Rs.1,695- 0- 0
2. Value of buildings	2,675 0 0
3. Value of trees	2-12- 0
4. Solatium on (1,2 and 3)	4,372-12- 0
	655-14- 7
Total	Rs.5,028-10- 7

This sum will be paid to Sofia Bi.

Sd/-
PERSONAL ASSISTANT TO THE
COLLECTOR OF MADRAS.

(True Copy)

IN THE COURT OF SMALL CAUSES OF MADRAS.

Present:- Raffiuddin Ahmed Sahib Esquire, B.A., B.L., Chief Judge.

Tuesday the 29th day of November 1949.

Land case No.32 of 1949.

Sofia Bi Bi alias Chota Bi

Claimant.

Vs.

The Collector of Madras.

Respondent.

JUDGMENT.

The property concerned in this reference is a plot of land bearing R.S.No.2724/1, on which are situated two superstructure bearing door Nos.63 and 64 Mufti Amirulla Sahib St. Both the land and the superstructure have been acquired for converting the property into a school play ground. The relevant notification under section 4(1) of the Land Acquisition Act is dated 7-10-47.

2. The Collector has awarded a total sum of Rs.5028-10-7 as compensation. The said amount was arrived at first by valuing the land separately on the basis of its market price, and then adding to it the value of the superstructures on the basis of the materials of which they are constructed. The claimant's main contention is that the principle on which compensation is so awarded is wrong. According to her the land and the superstructures should be considered as a single unit and the total nett income from the property should be capitalised as so many years purchase, having regard to the interest yielded on gilt edged securities at the time. It was not seriously disputed by the respondent that in the present state of authority the principle contended for by the claimant is correct. It was held in Radhakrishna Chettiar Vs. The Province of Madras (1948 2 M.L.J. 159) that that is the principle on which acquired property consisting of land and superstructure situated in a Municipality and yielding a regular income is to be valued. It therefore follows that the conclusion arrived at by the Acquisition Officer cannot be accepted.

3. The evidence of C.W.2 supported as it is by the rental agreements Exs.C2 and C3 is to the effect that the gross income from the whole property, after enhancement of the rent of one of the houses, as per Ex.C.4 is Rs.35/- per month. The annual gross value is

-2- 13 (13)

is therefore Rs.420/-. The claimant admits that she has to spend every year Rs.60-2-8 for payment of Municipal tax, Re.1/- for quit rent and Rs.40/- for repairs, amounting in all to Rs.101-2-8. The nett annual value is therefore Rs.318-13-4.

4. The next step in fixing the value is to determine the number of years purchase. According to C.W.lm. on 7-10-47, there was available for investment 3% Government paper. They were bonds for which there was no time fixed for payment and hence irredeemable. It was being quoted at Rs.100-14-0. The said witness also deposed even 3½% and 4% paper was available at the time, but the cost of such paper was correspondingly high; for instance, the cost of 4% paper was Rs.113-10-0 at the time. In support of all these figures the witness has filed Ex.C.1. which is the daily list of official bullion quotations issued by the Madras Stock Exchange on 7-10-1947. Having regard to such evidence the 3% gilt edged securities may safely be taken to have been good investment at the time. On that basis the value of the property will be its income for 33 1/3 years. (See Radhakrishna Chetty Vs. The Province of Madras).

5. The one objection raised on behalf of the respondent to this manner of arriving at the compensation payable is that of the two buildings acquired, No.63 is an old structure and hence the principle above stated cannot be applied in valuing that building. C.W.2 has admitted as a fact that that building is an old one, and the Acquisition Officer in his report has also observed that it is old and that may come down at any time.

6. The question then arises whether the principle of valuation above-mentioned is not applicable to properties which are not in a sound condition. But the case above cited, where opportunity was taken to review the previous case-law on the point and the rule was formulated, no qualification of the rule as now contended for by the respondent was mentioned. It may also be observed that in the earlier case of the Land Acquisition Officer Vs. Subba Rao (1941-2n M.L.J.75) wherein the principle of equitabilization of income was

14

was applied it is specifically mentioned that one of the rooms in the ground floor and the whole of the upper story of the acquired property were destroyed. Yet the principle was applied. I therefore hold that the rule admits of no exception in the case of old buildings.

7. The claimant will therefore be entitled to Rs.10,627-12-5 as compensation. Besides, she is entitled to 15% as statutory compensation on that amount, namely Rs.1594-2-7. Therefore the excess compensation payable to her is Rs.7193-4-5 and also costs on that amount and interest from 4-2-1949.

Order pronounced in open court this 29th day of November 1949.

Sd. Refiuddin Ahmed
Chief Judge.

Certified to be a true copy.
Sd.T.V.Satakopachari
Suptt. of Copyists.

Copied By Tiruvengadaswamy.

(True Copy).

V. Subbar
Correspondent & Secretary

Hindu High School
Tirupur

15
BY REGISTERED POST

From
Sri V.V.Subramaniam, I.C.S.,
Collector of Madras,
Madras.

15
15
To
The Chief Judge,
Court of Small Causes,
Madras.

A.7.8247/49 dated 3rd March 1950.

Sir,

Sub: LAND ACQUISITION--Triplicane--R.S.No.2724/1 for the Hindu
High School--Reference to Court--L.C.No.32 of 1949--Enhanced
~~compensation~~ etc. payment of.

A crossed cheque bearing No.T.47.54435 dated 22-2-1950 ~~for~~ for
Rs.8023-8-5 drawn on the Indian Bank Ltd., is enclosed duly endorsed in
your favour. Please acknowledge receipt of the cheque. The sum of
Rs.8023-8-5 represents the following items:-

1. Extra compensation allowed	Rs.7193-4-5
2. Interest thereon till 28-2-1950 @ 6% p.m.	463-11-5
3. Costs awarded	361--0-0
4. Interest on costs till 28-2-1950 at 6%	5--8-7

Rs.8023--8-5 ✓

Sd.V.V.Subramaniam
Collector.

By order

Sd.Huzur Sheristadar.

Copy to the Government Solicitor for information with reference to his
letter No.783 dated 20-2-1950.

P.T.O.

~~Copy to the Government Solicitor~~

16
Copy to the Secretary and Correspondent, Hindu High School, Triplicane
with reference to his letter dated 22-2-1950. The receipt of the
cheque is hereby acknowledged.

(True Copy)

Correspondent.

17
HINDU HIGH SCHOOL, TRIPLICANE. (16)

STATEMENT SHOWING THE ACTUAL COST OF ACQUISITION

R.S.No.2724/1

Acquisition Officer's original award	Rs.5028-10-7
Extra compensation award by court	8023- 8-5
Government Solicitor's fees	416- 8-0

	Rs.13468-11-0

A grant of Rs.2514 being half of the
original award by the Acquisition Officer was
sanctioned in by the Department.

17-7-1950

G.V. Sankar
CORRESPONDENT.

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13052-3-0

Copy to
with
che

scribble

D6 (8)

Bill. No. 60

18
THE COLLECTOR OF MADRAS,

Dr. 17

To
The Government Solicitor,
Madras.

IN THE COURT OF SMALL CAUSES AT MADRAS
Land case No. 32 of 1949.

Sofia Bi alias Choti Bi, CLAIMANT,
Vs.
The Collector of Madras, RESPONDENT.

1949 | To my fees at 5% of Rs. 8330-13-10 |
Feb. 22nd | (amount claimed Rs. 13,359-8-5 less |
to | Rs. 5028-10-7 awarded) under section |
Nov. 29th | 37(1) of the Legal Practitioners' | Rs. 416-8-0
Rules.

RUPEES FOUR HUNDRED AND SIXTEEN AND ANNAS EIGHT ONLY.

Sd. H.M. Small,
GOVERNMENT SOLICITOR.
30-6-1950.

(True Copy)

V. V. Subbar
CORRESPONDENT

Copy to the
with the
cheque

Edu

19 18
Grant - Acquisition of playground for Hindu High
School, Triplicane - Additional grant - Sanctioned

T/P3CF Ref. L.O. No. 1014 Edu dated 27-3-50.
P1CF, P6CF and P8CF From the D.P.I. No. 1/321-22/46 dt 7-5-50, 9-6-50 and 28-7-50.

Order (HS) No 2717 Edu dated 29.9.50.

83/22/2
To, The D.P.I. ✓
The A.G. through Fin ✓
3 spare copies

The Govt. sanction, as a special case, the payment of
a further grant of Rs 4,012 (Rupees four thousand and
twelve only) to the Hindu High School, Triplicane
being ^{one} half of the additional amount spent by the School
for the acquisition of ^{the} site for extending the school
playground

5/10
7/9/50.

7/9/50

18/9/50

20/

79

GOVERNMENT OF MADRAS.
ABSTRACT.

GRANT - Acquisition of playground for Hindu High School, Triplicane -
Additional grant - Sanctioned.

EDUCATION DEPARTMENT.

G.O.No. 2717, Education,

Dated 29th September 1950.

Read the following:-

G.O. No. 1014, Education, dated 27th March 1950.

From the Director of Public Instruction, No. 11321-D2/46
dated 7th May 1950, 9th June 1950 and 28th July 1950.

ORDER:

The Government sanction the payment of an additional grant of
Rs. 4,012 (Rupees four thousand and twelve only) to the Hindu High School,
Triplicane being one half of the additional amount spent by the Management
of the school for the acquisition of the site for extending the school
playground.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

K.M. UNNITHAN,
Secretary to Government.

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

AMG.3.10.

SUPERINTENDENT.

(90)

Playgrounds - Acquisition of play ground for Hindu High School, Triplicane - Payment of enhanced grant -

T/P3CF
PICF
P6CF

Ref: L.O. No. 1014 Edu dated 27-3-50
From the D.P.I. No. 11321-D₂/46 dated 7-5-50 and
T.M. (by post) No. 11321-D₂/46 dated 9-6-50

(T)

PICF

P6CF

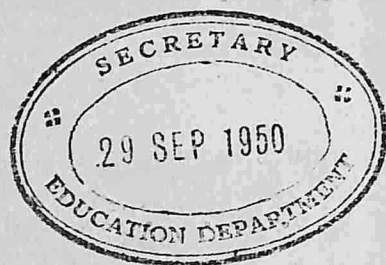
In L.O. No. 1014 Edu dated 27-3-50, the Govt. authorized the D.P.I. to sanction a grant of Rs 2,514/- to the Hindu High School, Triplicane, towards the cost of acquiring a site for extending the school playground. The D.P.I. now reports that an additional amount of Rs 8023-8-5 was spent by the management of the school for the payment of compensation as ordered by the chief Judge of the Court of Small Causes. He recommends that an additional grant of Rs 4,012/- based on the additional amount spent by the management of the school for the acquisition of the site may be sanctioned during the current year as the school is one of the popular schools in the locality and as it is difficult to secure land for playground in that locality. Though the Correspondent of the school reported in March, 1950 itself that the total cost of the acquisition was Rs 13,052-3-0, the specific request for the grant on the basis of that amount was made only in April, 1950 after the further compensation of Rs 8,023-8-5 had been paid in full settlement of the decree - vide the Correspondent's letter on pp 2-3 CF. Hence, enhanced ^{grant} compensation was not recommended by the D.P.I. in February.

(T)

Attention is invited to the notes on pp 4-5 of L.O. No. 1014 Edu dated 27-3-50 wherein the question of paying enhanced grant to the school was considered. The proposal was not approved then as the D.P.I. did not report separately the value of the land and the value of the dilapidated

19
grant of Rs 4,012/- Finance agrees. May be
circulated to H.M. (Ed) and H.M. (Fin) for
approval of the draft order.

1/3/9/50
14/9



H.M. (Ed) *[Signature]*
H.M. (Fin) *[Signature]*
27-9

20

[Issued as L.O. No. 2717 Edu dated 29-9-50]

①
Education (1950) Department.

Ms SERIES.

closed
2

G.O. NO. 2717 Edn

P. 17-7

Dated 29-9-58

22
[Despatch Abstract.]

Grant. Acquisition of playground for Hindu High
School, Triplicane - Additional grant sanctioned