S.tt. II-27—104,000—4-11-49.

Education (1950) Department.

closed

Ms SERIES. 1

G.O. NO. 2963.

Dated 3-11-'50.

Ordclat
p. 34 c.7

35

[Despatch Abstract.]

Hostel — Govt. Training school for Women, Dindigul — Rent control appeal — Pleader's fees — Sanctione

Back Papers.

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

Further Papers.

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

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②

R.C.NO.649-A.2/48

Office of the
Director of Public Instruction,
Madras, Dated 21-4-1949.

From
The Director of Public Instruction,
Madras.

To
The Secretary to Government.
Education and Public Health Department.

ASST. SECRETARY TO GOVERNMENT
29 APR 19
EDUCATION AND PUBLIC HEALTH DEPT.

Subject: Hostel - Government Training School for women, Dindigul - Rent control appeal - payment of Pleader' fees - Requested.

32530

The hostel attached to the Government Training School for wom Dindigul, is located in a private building. The owner of the build ing filed an application with the Rent Controller for fixing a fair rent for the building. The Rent Controller, Dindigul, fixed a rent of Rs.80/- p.m. for the building. Against the orders of the Rent Controller the owner appealled to the District Munsiff, Dindigu The District Munsiff, after hearing both sides, dismissed the case.

2. The Government Pleader, Dindigul, appeared on behalf of Government both before the court of the Rent Controller, Dindigul and the District Munsiff, Dindigul. The Government Pleader, Dindigu has now claimed as his fees a sum of Rs.150/- (Rs. One hundred and fifty only) for his appearance before the Rent Controller and Rs.75/- (Rs. Seventy five only) for appearance before the District Munsiff, Dindigul. The Collector of Mathurai who was addressed regarding the reasonableness of the fees claimed states that there is no regulation fees fixed by the Government in such cases. In the circumstances explained above I request that Government may kindly sanction the Pleader's fees. The letter of the Government Pleader addressed to the Inspectress of Girls Schools, V circle, Mathurai, claiming the fees is enclosed herewith.

3. A copy of the letter of the District Collector is also enclosed herewith.

Yours faithfully,

G. Sankaran
26.4.49.

for Director of Public Instruction.

RVR 25/4/-

II 26/4 26.4.49.

Copy of letter L.Dis.5943-G-49 dated 1-4-49 of the Collector of Mathurai to the Director of Public Instruction, Madras.

Ref: Ref.649-A.2/48 dated 23-3-49

...

There is no regulation fee fixed by the Government in such cases, as referred to in your letter cited. For sanctioning fees in such cases, I am also addressing the Board and getting its orders. While recommending to the Board, fees are fixed consideri the value of work involved. In the present cases mentioned by you the Pleader's letters to the Inspectress of Girls Schools do not contain particulars like hours of work etc. The enclosure received from you is returned herewith.

(TRUE COPY)

G. Sankaran 26.4

for Director of Public Instruction.

26/4

22/11/4-

✓ (4)

(3) Dindigul
12. 7. 48

L No 57/48.

INSPECTRESS … RECEIVED 13 JUL …

Roc. 73 B/46.

18/7.

To
The Inspectress of Schools
for Girls, VII circle, Madura.

Madam.

M.B.A. 43/48: Rent. Controller's Court. Dindigul. Hostel attached to the Govt. Training School for Women. Dindigul. Fixation of fair rent. Rented Building. Your Roc. 73-B-46 dated 29.3.48.

I am herewith enclosing the order passed by the Rent. Controller in the above case. The Controller has fixed Rs 80/- per mensem as the fair rent. The connected records have been already sent to your office through your office clerk. The receipt of the record may kindly be acknowledged.

I have noted herein the several.

L No 190
30 x 48

Dindigul
30. 10. 48

To
The Inspectress of Girls' Schools
Fifth Circle, Madura.

Madam,

Your Ref. C. No. 405 B/48 dated 24.9.48:
C.M.A. 29/48: Sub. Court. Dindigul.
P.C.A. Muhammad Kasim: Appellant.

2/11/48

The appeal was argued on 19.x.48 and the court pronounced orders on 25.x.48 dismissing the appeal in favour of Government confirming the R. Controller.

I have noted below the several dates of hearing on which I had to attend court for this appeal and I request that you will be pleased to sanction payment of a fee of Rs 75/- for my work in this appeal.

30.7.48: Appearance memo put in. Adjourned for hearing to 20.8.48
20.8.48. Appeal adjourned to 9.9.48 as the records had not been received in the appellate court from the lower court
9.9.48 Adjourned to 29.9.48 for both sides
29.9.48. Again adjourned for both sides to 19.10.48
19.10.48. Arguments heard. Judgment reserved.
25.10.48. Judgment pronounced. Appeal dismissed.

Sd/. P. Andiappan
Govt. Pleader

Encl: A file of 124 pages

22/11/49

dates of hearing of the above case. There have been seven hearings, and for the one on 26.4.48, I had to go to Palni to get an adjournment as I expected some delay in receiving the statement of objections for the hearing on 27.4.48. Besides the work in court, I had to prepare the counter. statement to be filed on our behalf in the case after going through the papers. Considering all these I request that a fee of Rs 150/- (Rupees one hundred and fifty) may kindly be sanctioned to be paid to me in this case.

Md. Pandurangam
Govt. Pleader.

1). 7.4.48.
2) 26.4.48. (Palni)
3) 27.4.48
4) 7.5.48
5) 24.5.48
6) 11.6.48
7) 24.6.48.

Md. Pandurangam.

L. No 190
30.x.48

Dindigul
30. 10. 48

To
The Inspectress of Girls' Schools
Fifth Circle, Madura.

Madam,

Your Ref: C. No. 405 B/48 dated 24.9.48:
C.M.A. 29/48: Sub. Court. Dindigul.
P.C.A. Muhammad Kasim : Appellant.

The appeal was argued on 19.x.48 and the court pronounced orders on 25.x.48 dismissing the appeal in favour of Government confirming the L. courts.

I have noted below the several dates of hearing on which I had to attend court for this appeal and I request that you will be pleased to sanction payment of a fee of Rs 75/- for my work in this appeal.

30.7.48:	Appearance memo put in. adjourned for hearing to 20.8.48
20.8.48.	Appeal adjourned to 9.9.48 as the records had not been from the lower court received in the appellate court
9.9.48	Adjourned to 29.9.48 for both sides
29.9.48.	Again adjourned for both sides to 19.10.48
19.10.48.	Arguments heard. Judgment reserved.
25.10.48.	Judgment pronounced. Appeal dismissed.

Md. Pandurangam
Govt. Pleader

Encl:
A file of 124 pages
Md. Pandurangam

2/11/48

A

3/(3)

Edn & P.H. Dept. (C1)

Rent. Private Buildings. Hostel. Govt. Training School for Women, Dindigul. Rent Control. Pleader fee.

From the D.P.I. No 649. A/2/49. Dt 21. 4. 49.

Memo 32530-C1/49-2 Edn. Dt ~~[illegible]~~ 28/5/49

~~Memo. Dt~~

To determine the volume of work done by the Govt. Pleader, Dindigul, who appeared on behalf of Govt. both before the Court of the Rent Controller Dindigul and the D. Munsiff Dindigul in the case filed by the owner of the building in which the hostel attached to the Govt. Training School for Women Dindigul is located, the D.P.I. is requested to obtain & forward to Govt copies of the orders of the Rent Controller & the D. Munsiff and ascertain and report the particulars regarding the number of days the Govt Pleader was engaged in the Court of

A adpl

Mo 3

4

the Rent Controller Dindigul & the Dt. Munsiff Dindigul and the number of hours ~~of work etc.~~ he worked each day on the case.

ap
11/5/49.

11/5/49

42504
11/5.

To
The D.P.I.

21/6

F

Note

— Please see the letter from the Collector of Madurai to the D.P.I.. The amount claimed by the Govt Pleader, Dindigul appears to be excessive when compared with the claim made by the Govt Pleader, North Malabar in another similar case in Cannanore where it was ~~paid~~ only Rs 25/-. The particulars may first be called for to determine the volume of work done by the Govt Pleader.

Home ~~& Finance~~ may see before issue.

ap
11/5/49

11/5/49

ASSISTANT SECRETARY TO GOVERNMENT
16 MAY 1949
HOME DEPARTMENT

E.P.H.U.O. No 32530-C1/49-1 Edn
14-5-49

(F1. 42504/49)

5/ (6)

Home Dept.

Please see the letter from the D.P.I. Madras and its encls. at pp.1-3 c.f. and the memo and the note of E & P.H. Dept. on pp.1-2 ante.

p.1.c.f. The G.P., Dindigul, apparently pleader doing Govt work at Dindigul, has claimed a fee of Rs.150/- for his appearance before the Rent Controller and Rs 75/- for his appearance before the Dt. Munsiff, Dindigul. The Collector Madurai who was addressed regarding the

" " reasonableness of the fees claimed ~~is reported to~~ has stated that there is no regular fees fixed by the Govt. in such cases. There ~~are~~ no information in the file about ~~the days~~ ~~number of hours~~ ~~for which the G.P. was engaged in each court and~~ the no. of days and the no. of hours on each day he was engaged in each court. These particulars and a copy of the orders of the Rent Controller and Dt. Munsiff may also be obtained for determining the fees payable to the ~~G.P.~~ Pleader.

These

[F.1.42504/49]

6

C1

These may be furnished to the ~~D.M.~~ Collector of Madurai who ~~case may be returned to E and P.H.~~ may be asked to specify the fee which he considers reasonable. After obtaining the Collector's recommendation, E&H may send the case to this dept with their remarks. This may be returned to them.

18/5/49

17.5.49

19/5

R

Home W O No
42504 F/49
19/5

E & P.H.
C1

E P H

~~A revised draft memo to the D.P.I is submitted~~

with reference to the note of Home above the draft memo has been suitably amended.

27/5/49

27/5/49

28/5/49

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

38760

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(7)

E P H
C1

R.C. ~~to~~ 90

T.M. dated 29/8/49

From. The A. S. to Govt, E&P.H. dept
To. The D. P. I.

Ref: Govt. Memo No 32530-C1/49-2 Edu dated 28/5/49 regarding Payment of fees to the Pleader in Connection with the Rent Control appeal to fix a fair rent ~~for~~ to the building occupied by the hostel attached to the Govt. Training School for women, Dindigul.

Please expedite your reply

29/8/49

29/8/49

30/8

Issued
29/8

p3
ante

(POST COPY OF TELEPHONIC MESSAGE) Rc No.649 A2/48 (8)

9

OFFICE OF THE
DIRECTOR OF PUBLIC INSTRUCTION
Madras. 9th Sep. 1949.

8 SEP 1949

From
The Director of Public Instruction,
M A D R A S.

To
The Assistant Secretary to Government,
Education and Public Health Department,
M A D R A S.

70495

Ref:- Your T.M. dated 29-8-49 regarding payment of pleader's fee in connection with the rent control appeal to fix a fair rent to the building occupied by the hostel attached to the Government Training School for women Dindigul.

The necessary particulars have not yet been received from the Government Pleader concerned. I will submit my reply as soon as the particulars are received.

For Director of Public Instruction.

May lie over till 1-10-49

MSR 9/9

15/9/49

16/9/49

10

P.C. W/O

E&H
4

T.M dated 25/10/49

Y/

Issued 25/10

26-10

27/10

From, The A.S. to Govt, E&P.H dept

To, The D.P.I

Ref. your ~~letter No~~ T.M. NO 649 A2/48 p 9 ante dated 9-9-49 - Regarding the payment of Pleaders fees in connection with the rent control appeal for fixing a fair rent to the building occupied by the Govt. Training School for women, Dindigul

Please expedite your reply

22/10/49

24/10

11

(9)

A

POST COPY OF TELEPHONIC MESSAGE (NO.649 A2/48)

Office of the Director of
Public Instruction, Madras.
Dated 25-10-1949.

28 OCT 1949

From
The Director of Public Instruction,
Madras.

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

83736

Sub: Rent - Private building hostel - Government Training School for women, Dindigul - Rent Control - Appeal - Payment of Pleaders fees.

Ref: Your Telephonic Message dated 25-10-'49 on Government Memo. 32530 C1/49-2 Education dated 28-5-'49.

p 10 ante

pp 3-4 ante

The matter is under correspondence with the Inspectress of Girls' Schools, V Circle, Mathurai. She has been reminded in the matter. My reply will be submitted on hearing from ~~her.~~ her

L.O. tue 15.11.49

27/10

for Director of Public Instruction

27/10
VS.26.10.
1/11/49

Education Department

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

C1

24 NOV 1949

Roc 649 A2/48 dated 21-11-49

Sir,

Subject: Hostel - Government Training School for Women Dindigul - Fixation of fair rent- payment of Pleader's fees

Reference: Govt. memo No. 32530- C1/49-2 Edn dated 28-5-49 pp3-4 ante

91842

With reference to the Government memo referred to above, I have the honour to submit herewith a copy of letter dated 5-11-49 from the Government Pleader Dindigul for favour of orders.

The letters Nos 57 dated 12-7-48 and No. 129 dated 29-9-48 of the Pleader referred to in his letter have already been submitted to the Government in original as enclosure to my letter Rc No. 649 A2/48 dated 21-4-49. P1 ante

P2 ante P3 ante

Yours faithfully,

for Director of Public Instruction

Vk 22.11
22/11/49.

Copy of letter L. No. 188 dated 5.11.49 from the Government Pleader, Dindigul to the Inspectress of Girls' Schools, V Circle, Mathurai

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Sub: Hostel - Govt. Training school, Dindigul - fixation of fair rent - payment of Pleader's fees

P2 ante P2 ante

I invite your kind attention to my letters No. 57 dated 12-7-48, No 129 dated 29-9-48 wherein I have appended a statement of the work done by me in connection with the above case and have quoted two other instances in which fees for my work have been sanctioned and paid to me, so that they may be of some guidance in assessing the fee payable to me in this case.

2. On two dates namely on 26-4-48 and 7-5-48 I had to attend for this work in camps outside Dindigul. On every day on which the case was posted I must necessarily be present to represent our side and can leave court only after the case was adjourned. It could not therefore be stated that on dates on which the case came up before the court my presence was unnecessary though no work was actually done in the case. I may be permitted to say that you will therefore be pleased to agree with me in thinking that the fee of Rs 150/- claimed by me for my work in this case before the Rent Controller's court is quite fair and reasonable in the circumstances and is supported by precedents quoted by me above.

3. In the appeal before the Subordinate Judge, Dindigul over the order of Rent Controller I have appeared on behalf of the Department and have successfully resisted the appellant's contentions and the appeal was got dismissed in our favour. I have already sent to you my claim for the fee of Rs 75/- for my work in the appeal and I request that you will be pleased to recommend the sanction of my fees for my work in both the courts as claimed by me.

4. There has been some delay in tracing the prior correspondence and the same may kindly be excused.

/True copy/

for Director of Public Instruction

9/11/21

14

(11)

4P/C1

RK

36
6/12

Hostel - Govt. Training School for women, Dindigul - Fixation of fair rent - Payment of Pleader's fees

From the D.P.I. No. 649 A2/48. dated 21-11-49

Memo no 32530 - C1/49-3 Edn dated 5/12/49

The D.P.I is requested to furnish information on the following points for determining the amount of fees payable to the Govt. Pleader, Dindigul

(1) the number of days the Govt. Pleader was engaged in each court and

(2) the number of hours he was engaged each day. ~~He~~ ~~to He~~ the Director is also requested to forward copies of the orders of the Rent Controller, Dindigul, and the District ~~Munsi~~ Munsiff, Dindigul.

To. The D.P.I

5/12/49

8/12

8/12/49

EAH
C1

15

(12)

P.C. to go

D/o
17-1-50

20
11/1

Issued
11/1/50.

T.M. dated 10/1/50

From, The A.S. to Govt, E&P.H. dept
To, The D.P.I

Ref: Govt. Memo No. 32530-C1/49-3 Edu dated 5/12/49 regarding Payment of Pleader's fees in the Rent control appeal for the fixation of fair rent to the hostel attached to the Govt. Training School for Women, Dindigul

Please expedite your reply

10/1/50

10/1/50

10/1/50

16 9 (13)

Post copy of the Telephonic Message No. 649 A2/48.

Office of the
Director of Public Instruction,
Madras, Dated 12th Jan. 1950.

17 JAN 1950

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

Sub: Government Training School for women, Dindigul - Hostel - fixation of fair rent - payment of Pleader's fees.

Ref: Your ~~Telegram~~ Telephonic Message dated 11-1-50 on Government Memo. No. 32530 C1/49-3 Education dated 5th December 1940.

...

P15 ante

P14 ante

4009

EPL 6/1

Maybe over till 5.2.50

RD 20/1/50

22/1/50

The matter is under correspondence with the Inspectress of Girls Schools, V circle, Mathurai. My reply will be submitted to the Government on hearing from her.

16/1/50

for Director of Public Instruction.

Copy to:

The Inspectress of Girls Schools, V circle, Mathurai in continuation of Director's Proceedings Rc.No.649 A2/48 date 13th December 1949.

2. The Inspectress is requested to expedite the submission of her reply.

MB 12-1. 12-1-50

17 As (14)

POST COPY OF THE TELEPHONIC MESSAGE.

9

Office of the Director of
Public Instruction, Madras.

Roc. No.649/A2/48

Dated.25th January 1950

From
The Director of Public Instruction, Madras.

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

ASSISTANT SECRETARY TO GOVERNMENT
29 JAN 1950
EDUCATION AND PUBLIC HEALTH DEPARTMENT

Sir,

Sub:--Hostel--Govt. Training School for Women, Dindigul--Fixation of fair rent--Payment of Pleaders' fees.

Ref:--Government Memorandum No.32530-C1/49-3-Education dated 5-12-49 — p14 ante

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7287

With reference to the Government Memorandum cited above, I have the honour to submit herewith a copy of letter Rc.No.405B/48 dated19-1-50 of the Inspectress of Girls Schools, V Circle, Mathurai for favour of early orders. The Government Pleader is being asked by the Inspectress to report the number of hours he was engaged each day and a further report will be submitted to the Government on hearing from him. — p14 ante — p18 infra — p20-24 infra

2. A copy of the Orders of the Rent Controller, Dindigul and a copy of the orders of the Sub Judge Dindigul are herewith submitte

Yours faithfully,

EPK
c1

Further report from D.P.I may be awaited

KB
2/2/50

4/2

2/2/50

28/1/50

For Director of Public Instruction

Clb.28-1-50

18/1 12/2967

18

(13)

Copy of letter Roc.No.405 B/48 dated 19-1-50
from the Inspectress of Girls Schools, V Circle, Mathurai to the
Director of Public Instruction, Madras.

Sub:--Hostel--Govt. Training School for women, Dindigul --
Fixation of fair rent--payment of Pleader's fees.

Ref:--Director's Pros. Roc.No.649 A2/48 dated 13-12-49

The Government Pleader, Dindigul has reported to this Office that he has appeared at the respective courts on the respective dates noted against each.

(1) Rent Controller's Court, Dindigul	7-4-48 26-4-48(Palni) 27-4-48 7-5-48 24-5-48 11-6-48 24-6-48
(2) Sub Court, Dindigul	30-7-48 20-8-48 9-9-48 29-9-48 19-10-48 25-10-48

Copies of letters No.57/48 dated 12-7-48 and No.190/48 dated 30-10-48 of the Govt. Pleader, Dindigul, which have already been submitted to the Director with this Office Roc.No.405 B/482 dated 1-12-48, are enclosed herewith for ready reference. p 19 infra

The Government Pleader was asked to report the number of hours he was at work on each of the abovesaid dates and after several reminders to him on the subject and after a lapse of about 4 months he has reported to this Office in his letter No.188 dated 5-11-49 submitted to the Director with this Office Roc.No. 405 B/48 dated 7-11-48 to almost say that he has nothing more to report on the matter than what has already been stated by him in his letters Nos.57/48 dated 12-7-48 and 190/48 dated 30-10-48 referred to above. I, therefore feel that it is not necessary to address him again to report the number of hours he was engaged on each day. However, I am communicating to him para 1 of Govt. Memo to furnish the particulars direct to the Director.

2. A copy of the orders of the Rent Controller, Dindigul has already been submitted to the Director with this Office Roc.No.73 B/46 dated 22-74-48 (Vide Director's Pros. Dis.No.3775/48 dated 11-8-1948)

A certified copy of the order of the Sub Court, Dindigul has also been submitted to the Director with this Office Roc.No.405 B/48 dated 18-12-48 (Vide Director's Pros. Roc.No. 649 A2/48 dated 3-1-1949).

However copies of the above two orders are enclosed for ready reference.

(Sd) x x x x x x x x x x x

Inspectress of Girls' Schools,
Fifth Circle, Mathurai.

/True copy/

28/1/50

For Director of Public Instruction

Clh 28-1-50

Copy of letter No.57/48 dated 12-7-48 of the Govt.Pleader,Dindigul.

====

M.B.A.43/48 - Rent controller's Court, Dindigul - fixation of fair rent.

====

I am herewith enclising the order passed by the Rent Controller in the above case. The controller has fixed Rs.80/- p.m. as the fair rent. The connected records have been already sent to your office. The receipt of the records may kindly be acknowledged.

I have noted herein the several dates of hearing of the case. There have been seven hearings and for the one on 26-4-48, I had to go to Palni to get an adjournment as I expected some delay in receiving the statement of objections for the hearing on 17-4-48. Besides the work in court, I had to prepare the counter statement to be filed on our behalf, in the case after going through the papers. Considering all this, I request that a fee of Rs.150/- may kindly be sanctioned to me in the case.

7-4-48
26-4-48 Palni.
27-4-48
7-5-48
24-5-48
11-6-48
24-6-48.

===o0o===

II.

Letter No.190/ d/30-10-48 of the Govt.Pleader,Dindigul.

====

Your Ref.405 B/48 dated 24-9-48.
CMA 29/48 Sub Court Dindigul -

====

The appeal was argued on 19-10-48 and the court pronounced orders on 25-10-48 dismissing the appeal in favour of Govt.confirming the lower court's order.

I have noted the dates of hearing on which I had to attend court for this appeal and I request that you will be pleased to sanction payment of a fee of Rs.75/- for my work in this appeal.

30-7-48	appearance memo put in. Adjourned for hearing on 20-8-48.
20-8-48	Appeal adjourned to 9-9-48 as the records from the lower court has not been received.
9-9-48	Adjourned to 29-9-48 for both sides.
29-9-48	Again adjourned for both sides to 19-10-48.
19-10-48	Arguments heard. Judgment reserved.
25-10-48	Judgment pronounced. Appeal dismissed.

====

Enc a file of 124 pages.

Pros. of the Rent Controller and Rev.Dvl.Officer, ~~Dg~~ Dindigul dated 26-6-48.
Present: Sri A.Somasundaram, B.A. Rev. Dvl.Officer and R.C.Dgl.

===

Read.- Petition under Sec.4 of the Madras Buildings (Lease and Rent control) Act 1946.

Petitioner:- P.C.A.Muhamed Kasim, son of Abdulla Husain, Mohideen, residing in Koombur village, Pudur hamlet, Dindigul taluk.

Respondent: Mrs.S.Asirvatham, the Headmistress,Govt.Trg.school,Dindigul.

Heard Arguments on both the sides.

Order: M.B.A.43/48

This is an application under Sec.4 of the Madras Buildings (Lease and Rent Control) Act 1946, to determine the fair rent of the building occupied by the Govt.Training school,Dindigul.

2. The petitioner and his brother are the owners of the house in question. It has been taken on rent by the Respondent for the hostel attached to the school on a monthly rent of Rs.70/-. The petitioner has been collecting rent at this rate. The rental value of the building as entered in the Municipal register is Rs.~~x~~ 768 for 1939-40 and is Rs.1100/- for 1946-47 (Ex.P.I). Ex.P.2 a plan of the building prepared by the petitioner. The petitioner has filed Ex.P.3. a demand notice for Rs.109-5-0 issued by the Municipality being the property tax for the building for the half ~~xxx~~ year ending 31-3-1948.

Ex.P.4.and P5 are communications received by the petitioner from the Respondents' superior offices, regarding enhancement of rent. Petitioner gave evidence and filed the above documents. He stated that this is a big building in which 150 students are residing and that in the next street a building smaller than this belonging to him has been let out for Rs.100/- to a Coffee Hotel. According to him one Palaniappa Pillai is willing to take the building on a monthly rent of Rs.250/-. He requests that the rent may be fixed at Rs.150/- p.m.

3. The respondent filed a counter and marked three documents Ex.R.1 to R3. Ex.R1 is a letter written by the petitioner on 23-1-47 to the Inspectress in which he requests her to pay a rent of Rs.100/- p.m. as agreed by her. Ex.R2 and R3 are letters dated 10-4-46 and 28-7-46 to the Respondent in which she has been asked by the petitioner to pay rent at the rate of Rs.103-13-0.

P.T.O.

4. The rental value of the building for 1939-40 is Rs.768/-. This works out to Rs.64/- p.m. This being a residential building, the fair rent will be fixed by adding 25% of Rs.64/- as per Sec.4(3)iii of the Act. I determine the fair rent at Rs.64 plus 16) Rs.80/- per mensem.

sd./ A.Somasundaram
26-6-48.
Rent Controller.

===oOo===

(True copy)

20/7
Inspectress of Girls' Schools,
Fifth Circle,Madura.

n.v.3

IN THE COURT OF THE SUB JUDGE OF DINDIGUL.

===

PRESENT:- Sri C.R.Viswanatha Iyer, B.A.B.L., Sub Judge.

Monday, the 2th day of October 1948.

==

CIVIL MISCELLANEOUS APPEAL NO. 29 of 1948.

===

Between:-

P.C.A. Mohamed Kasim -- Appalent -- Petitioner.

And:-

Mrs. S. Asirvatham, the Headmistress,Govt.Training school for women, Dindigul -- Respondent.

On appeal from the Order of the Rent Controller, Dindigul dated the 26th day of June 1948 and made in

M.B.A. No.43 of 1948.

Between:-

P.C.A. Mahamed Kasim ... Petitioner.

And..

Mrs.S.Asirvatham, the Headmistress of the Govt. Training school for women, Dindigul ... Respondent.

This appeal having been heard on the 19th day of October 1948, before me, in the presence of Sri A.Narayanaswami Iyer, Advocate, for the appellant and of Sri M.D.Pandurangam Naidu, Pleader for the Respondent and having stood over to this day for consideration, the Court delivered the following:

JUDGMENT.

This is an appeal arising under the Madras Buildings (Lease and Rent control) Act of 1946. The appalent who is the land lord of a residential building filed an application under Sec.4 of the Act to fix the fair rent of the building. The respondent is the Headmistress of a Govt.Training school for women and the building is used as a hostel for the pupils. The rent originally stipplate was Rs.70/- p.m. The petitioner-appellant's case was that in 1939- the rental value was shown in the assessment books of the Municipality was Rs.768/- but that in 1946-47 it has been raised to Rs.10 The petition alleged that the house is situated in the Central an busy part of the town where similar buildings have been fetching over Rs.100/- as godowns and that if this building is let out for business it would fetch Rs.200/- a month. On these allegations he prayed that the rent may be fixed at Rs.150/-. That was opposed by the respondent.

P.T.O.

2. The learned Controller having regard to the rental ~~xxkxx~~ value in 1939-40 has fixed the rent at Rs.80/- that is, he found that the rent before 1940 was Rs.64/- and acting under Sec.4(3), clause III, ~~xk~~ he increased it by 25%. The Land Lord complains against that order.

3. The only evidence in the case is that the assessment book of the Municipality shows that in 1939-40 the rental value was fixed at Rs.768/- but in 1946-47 it was fixed at Rs.1100/- vide Ex.p.1. It is also seen that for the half year ending March 1948, the Municipality has claimed an assessment of Rs.109-5-0 --vide Ex.P.3. the demand notice. The petitioner has also given evidence in which he says that even a smaller building that the one in ~~which he says that even a smaller~~ question has been let to a Coffee hostel and he gets Rs.100/- a month.

4. I, think, there is no ground to interfere with the order of the learned Controller. Under Sec.4, sub-section 2, of the Act, the Controller shall have regard to, among other things, the prevailing rate of rent in the locality for 12 months prior to 1-4-1950 and to the rental value as entered in the Municipal books for the same period. Under Section 4, sub-section3, clause III the controller may allow an increase. ~~Nx~~ not exceeding 25 % on the value referred to in Sub Section 2 according to the rental value fixed in the Municipal assessment book for the year 1939-40, the proper monthly rent would be Rs.64/- and therefore, the learned controller had no jurisdiction to enhance it above 25%. What is contented by the learned advocate for the appalant is that when the rental value of the assessment levied by the Municipality has been increased after the Act came into force as in this case, the respective clause III of Sub Section 3 will not govern the matter. I am not able to agree with that argument. It is quite clear from a reading of section4 that the object of the legislature was to take the assessment before April 1940 as a proper basis and the extent by which it could be increased is land down by Sub sec.3.

If the subsequent enhancement is to be taken into account, the whole object of the Act would be defeated. I hold the decision of the Controller is right and the appeal is dismissed.

Dictated to Shorthand writer, transcribed by him, corrected by me and pronounced in open Court this the 25th day of October 1948.

sd./ C.R.VISWANATHA IYER,
SUB JUDGE.

/True copy/

Inspectress of Girls' Schools,
Fifth Circle.

n.v.

Edn
D

(20)

95/

P.C. W/3

T.M dated 7/3/50

16/3

From, The A.S. to Govt, Edn dept
To, The D.P.I

recd 8/3
received 7/3

27/8/3 L

Ref. Your letter No 649/A2/48 dated 25-1-50 regarding the payment of Pleader's fees in the Rent Control appeal of ~~Dindigul~~ Training School for women, Dindigul.

Please expedite your further report

CB
6/3/50

O/p
6/3/50

7/3/50

~~D 26~~

EDUCATION DEPARTMENT.

From
The Director of Public Instruction,
MADRAS.

To
The Secretary to Government,
Education Department,
MADRAS.

ASSISTANT SECRETARY
14 MAR 1950
2220
EDUCATION DEPARTMENT

R.C.No.649-A2/48 dated 9th March 1950.

Sir,

Sub:- Hostel-Government Training School for Women, Dindigul-Fixation of fair rent-Payment of Pleader's fee.
Ref:- T.M; dated 7-3-1950. p 95 ante

No further report has been received from the Inspectress. She is being reminded.

Yours faithfully,
N. Srinivasan 11/3/50
For Director of Public Instructio

Copy to the Inspectress of Girls Schools, V Circle, Mathurai.

KVS/11/3.

11/3 ~~11/3~~

May lie over till 10.4.50 $\frac{\text{Edu}}{\text{D}}$
20/3/50.
21/3/50

21/3/50

27/ (22) Edn/D

P.c. to Go TM dated 21/4/50

28/24/4.

From, The A.S. to Govt. Edn dept
To. The D.P.I

Ref: Your letter No. 649-A2/48 dated 9-3-50 regarding the rent control appeal – Govt. Training School for women, Dindigul

Issued
21/4

Please expedite your further report in the matter

KB
20/4/50

P.C. DMO 21/4/50

21/4/50

28/D

C.F. 32 (a).

EDUCATION Department

Received .... Registered 73

From (Name)

Designation The Director of Public Instruction, Madras.

Station

8858

To

The Secretary to Government,
Education Department,
Madras.

ASSISTANT SECRETARY
27 APL 1950
EDUCATION DEPARTMENT

Enclosures :

R.C. No. 649 A2/48 dated 25th April '50 194 .

Sir,

Subject:-

Hostel- Government Training School for Women- Dindig
Fixation of fair rent- Payment of pleaders fee.

P27 ante

Ref:- Government Telephone Message dated 21-4-50.

Edn/D

In spite of repeated reminders the Government Pleader, Dindigul has not yet furnished the particulars called for by Government in their Memo No. 32530-C1/49-3 dt. 5-12-1949.

Yours faithfully, P14 ante

26/6/50

for Director of Public Instruction.

May lie over till 20/5/50

2/5/50

A.S./25-4.

29/4/50

23

24

Edu/D

✓ P.C. togo
12/6

T.T dated 8/6/50

from. The A.S. to Govt, Edu dept
to. The D.P.I

13/10/6.

Ref: Your letter No. 649 A2/49 dated 25-4-50 regarding the fixation of fair rent for the building occupied by the hostel attached to Govt. Training School for women, Dindigul - Payment of Pleader's fees

Issued
10/6.

Please state whether the report of Govt. Pleader, Dindigul has since been received and if so a copy of it may be forwarded to Govt.

KB
7/6/50.

8/6/50

EDUCATION DEPARTMENT.

From
The Director of Public Instruction,
MADRAS.

To
The Secretary to Government,
Education Department, MADRAS.

R.C.No.649-A2/48 dated 12th June 1950.

***

ASSISTANT SECRETARY
EDUCATION DEPT.
15 JUN 1950
15852.

D

Sir,

Sub:- Hostel - Government Training School for Women, Dindigul - Fixation of fair rent- Payment of Pleader's fee.
Ref:- Government T. M. dated 10-6-1950. p 29 ante

***

In spite of repeated reminders, the Government Pleader, Dindigul has not yet furnished the particulars called for by Government in their Memo.No.32530-C1/49-3 dated 5-12-1949. p 14 ante Government may therefore pass suitable orders in the matter.

Yours faithfully,

14.6.50
For Director of Public Instruction.

KVS/13/6.
13/6 18/6

Hostel - Govt. Training School for women, Dindigul - Rent - Control appeal - Payment of pleaders fees

Memo No. 32530 - D/49-5 Edn dated 18-7-50.

Copies of the following correspondence on the above subject are forwarded to the Collr. of Mathurai

1. Letter of Director of Public Instruction No. 649-A.2/48 dated 21-4-49
2. Letter of the Inspectress of Girls Schools, V circle, Mathurai to the D.P.I. no. 405 B/48 dated 19-1-50
3. Order of the Rent Controller, Dindigul dated 26-6-48.
4. Judgement of the Sub-Judge, Dindigul dt 24-10-48.

The Collector is ~~also infor~~ requested to specify the fee for payment to the Govt. Pleader which he considers reasonable ~~as the~~ Govt. consider that fee of Rs 225/- claimed by ~~the Govt. Pleader~~ him is excessive.

Encls. to be checked before despatch

14 / 19/7

21/7

P1 cf

P18 cf

To/ The Collr. of Mathurai, pp20-21 cf
(with copies of enclosures referred to) pp22-24 cf

14/7/50

15/7/50.

18/7/50

Hostel - Govt. Training School for Women, Dindigul - Rent Control appeal - Payment of pleader's fees

P31CF
3/2

Ref: Govt. Memo No. 32530-D/49-5 Edu dt 18-7-50.

Memo No. 32530-D/49-6 Edu dt 21-9-50.

The attention of the Collr. of Mathurai is invited to the Govt. memo read above and he is requested to send the information called for therein without further delay

To. The Collr. of Mathurai

DRK
25.9.50

TG
20/9/50

OP
20/9/50

21/9/50

33 (28)

ASSISTANT SECRETARY
2 OCT 1950
30373
EDUCATION DEPARTMENT

L.Dis.12573.G.50

Mathurai Collector's Office,
d/- 28-9-50

From
F.W.A.Morris,Esq.,O.B.E.,I.C.S.,
Collector, Mathurai

To
The Secretary to the Government
of Madras (Education Department)
Fort St.George, Madras.

Sir,

Sub: Suits - Sub Court Dindigul - C.M.A.29/49 Hostel Govt. Training School for Women, Dindigul Rent Control Case and appeal - payment of pleader's fees - remarks - calle for. - repost submitted.

--

Govt. Memo No.32530.D/49-5(Edn) d/- 18-7-50 P3/ante

--

I consider that a total fee of Rs. 100/ (rupees one hundred only -- Rs. 50/- for the case before Rent Controller, Dindigul plus Rs. 50 for the appeal before the Sub Judge Dindigul) is reasonable for payment to the pleader for Government, Dindigul.

29.9.50
For Collector.

p.k.29-9

K
29-9

Edn(D)

34

(29)

Hostel - Govt. Training School for women, Dindigul - Rent Control appeal - Pleader's fees - Sanctioned

P1CF From the D.P.I. No. 649-A.2/48 dt 21-4-49

P33CF From the Collr. of Mathurai No. 12373.G.50 dt 28-9-50.

Order (MS) No 2963 Edn dt 3-11-50.

23
3/11

The Govt. sanction the payment of a sum of Rs 100/- (Rupees one hundred only - Rs 50 for the case before the Rent Controller, Dindigul and Rs 50 for the appeal before the Sub-Judge, Dindigul) to the ~~Govt. Pleader,~~ Pleader doing Govt. work at Dindigul for his services in connection with the Rent Control appeal filed by the owner of the building ~~also~~ occupied by the hostel attached to the Govt. Training School for women, Dindigul.

To, The D.P.I
(with a copy of Page 33CF)
The A.G. through Finance
Copy to the Collr. of Mathurai
/ S.C

Apr 2+3 only
6/11/50

EO
30/10/50.

OD
31/10/50.

2/11/50

2.11

Edn D

1

(30)

Hostel - Govt. Training School for women, Dindigul-
Rent control appeal - Payment of pleaders fees

Please see the Director's letter on P1cf, recommending the payment of a sum of Rs 225/- to the Govt. Pleader, Dindigul for his appearances before the Rent Controller, Dindigul and the Sub-Judge ~~District Munsiff~~, Dindigul in connection with the rent control appeal filed by the owner of the building occupied by the hostel attached to the Govt. Training School for women, Dindigul. The Collr. of Mathurai who was addressed regarding the reasonableness of the fees claimed states that there are no regulation ~~of the~~ fees fixed ~~claimed~~ by the Govt. in such cases. Particulars regarding the number of days the Govt. Pleader was engaged in each court are on P1&cf. Copies of the orders passed by the Rent controller and the Sub-Judge in the rent control appeal are on pp 20-24 cf. The D.P.I. reports that inspite of repeated reminders the Govt. Pleader has not furnished ~~particulars~~ particulars regarding the number of hours he was engaged in each court and requests ~~that~~ the Govt. to pass suitable orders in the matter.

88169
29/6/50

P1cf

pp28, 30cf

In the circumstances, it is for consideration whether the sum of Rs 225/- originally ~~prop~~ recommended by the Director ~~D.P.I.~~ may be sanctioned to the Govt. Pleader, Dindi

Home and Finance depts. may see for remarks in ~~at~~ the first instance.

RB
20/6/50

24.6.50

The fee claimed by the Govt. Pleader seems to be excessive. Home may advise as to its reasonableness.

26/6/50

Home
Fin

ASSISTANT SECRETARY TO GOVERNMENT
28 II 950
Edn. No. 32530-D/49-4 Edn
HOME DEPARTMENT
29.6.50.

(Lan-seen on pp 5-6 cf).

Home (Cts III) deptt

The case relates to the payment of fees to the Govt. Pleader, Dindigul apparently by the Pleader doing Govt work at Dindigul for his appearance on behalf of Govt. both before the Court of the Rent Controller, Dindigul and the ~~District Munsiff~~ Subordinate Judge, Dindigul. He has claimed a fee of Rs 150/- for his appearance before the Rent Controller and Rs 75/- for his appearance before the ~~District Munsiff~~ Subordinate Judge. As the Collector has stated that no regulation fee was fixed in this case, this deptt suggested that information regarding the number of days he was engaged in each court and the number of hours on each day and a copy of the order ~~may~~ might be obtained. ~~and from the Collector & and that a copy of the order in the case also might be obtained.~~ Edn. have called for the particulars from the D.P.I. It will be seen from the D.P.I's report on p17 cf. and the letter from the Inspectress of Schools on p18 cf. that the Govt. Pleader had work for 7 days in the Rent Controller's court and 6 days in the Sub Court at Dindigul. From the (Rent Controller's order at pp21-22 cf & the) Judgment on pp22-24, it does not appear that the Govt. Pleader would have had much work to do. ~~In the circumstances, it appears~~ The D.P.I. has also stated that particulars regarding the hours of each day are also not known since it has not been possible to obtain the information from the Govt. Pleader. In view of A above, it appears that ~~the~~ fee of Rs 225/- for both the cases claimed by the G.P. Dindigul is excessive. This deptt may, therefore, suggest ~~as stated in the note at p 6 cf~~ that the particulars obtained from the D.P.I. regarding the no. of days ~~in~~ the case was heard etc., may be furnished to the Collector, Mathurai to-gether with a copy of the ~~[illegible]~~ Controller's order and Judgment ~~Same at pp22-24~~ the Rent Controller's order and the copy of the Judgment on pp22-24 cf ~~may be~~

para 2, p1cf

Item II, p1cf

pp 5-6 cf

p14 cf

p18 cf

A

p30 cf

M

3

(31)

5

and he may be asked to specify the fee which he considers reasonable as already suggested by this deptt at Rem p.6 cf. After obtaining the Collector's recommendation, Edn. may send the file again to this deptt. with their remarks. The file may be passed on to Finance.

M

5/7/50

6.7.50 Fi

ASSISTANT SECRETARY
13 JUL 1950
19507
EDUCATION DEPARTMENT

7.7.50

Fin

Home U.O. No 88469-Cts III-50-1
8.7.50.

Finance (Pen)

The notes on pp1-3 above may be perused.

2. The suggestion of Home at M on pp2-3 above may be agreed to in this dept.

DR
10.7.50

10.7.50

11.7.50

D.

8 JUL 1950
FINANCE DEPARTMENT

Fin U.O. 61378 Pen-1
11.7.50

DS

Edn

The remarks of Home and Fin depts may be perused.
The Colr. of Mathurai may be consulted.
A draft memo is submitted for approval.

14/7/50

15/7/50

18/7/50

P31CF [Issued as Memo No. 32530 D/49-5 Edn dated 18-7-50

P33CF From the Colr. of Mathurai L Dis. 12373-G.50 dt 28-9-50

P33CF The Collector of Mathurai considers that a total fee of Rs 100 (Rs 50 for the case before the Rent Controller, Dindigul and Rs 50 for the appeal before the Sub-Judge Dindigul) ~~is reasonable~~ is reasonable for payment to the Govt Pleader Dindigul. (This amount may perhaps be sanctioned.) Home and Finance may see again

7/10/50.

9/10/50

Home
Finance

10 OCT 1950
HOME DEPARTMENT

Edn U.O. 32530-D/49-7
9-10-50.

7/10/50

(C.No. 144510/50)

D

Home (cts. III) dept.

(Previous notes of this Dept. at pp. 2-3 ante)

The letter from the collr. of Mathurai at p. 33. c.f. and the notes of Edn. Dept. at the bottom of p. 3. ante may be perused. The collr. considers that a fee of Rs 50/- for his work before the Rent controller, Dindigul p. 33 cf and a further fee of Rs 50/- for the work in the appeal before the Sub Judge " " may be paid to the Pleader doing Govt. work at Dindigul as he considers the fees reasonable. This Dept. may agree with the collr. of Mathurai and the case may be passed on to Fin.

20.x.50.

24.10.50.

20.x.50 Fin

Fin

Home no. 88269 (cts III)/50-2
26/x/50.

Fin (Pen)

(Previous note of this dept on p. 3 above)

The letter from the collector ~~of~~ Mathurai on p. 33. cf. and the notes from the middle of p. 3 above may be perused.

This dept also may agree to the proposal for the grant of Rs 100/- to the p. 33 ✓ pleader doing Govt. work at Dindigul for his work in C.M.A 29/49 in Subcourt Dindigal

ADDITIONAL DEPUTY SECRETARY
27 OCT 1950
89024
FINANCE DEPARTMENT

DR 27.x.50 27.10.50

27.x.50

Edn. D.

38674

DS Edn

A draft order is submitted for approval

30/10/50.

1/11/50

9.11

Fin no 89024 Pen
27.x.50

(D)

1

(32)

Post copy of the Telephonic Message T.M. No. 649 A/48 dated 10-11-1950

From

The Director of Public Instruction, 36034
Madras.

ASSISTANT SECRETARY
15 NOV 1950
EDUCATION DEPARTMENT

To

The Secretary to Government,
Education Departmentk, Madras.

SUB: Hostel--Government Training school for women, Dindigal--
Rent Control appeal--Pleaders fees.

(D)/34 c.f.

REF: G.O.Ns. No. 2963 Edn. dated 3-11-1950

Kindly let me know the Budget head to which the expenditure sanctioned in the above G.O. is debitable.

Yours faithfully,
14/11/50
For Director of Public Instruction

ptv 13/11

13/11

13/11

Edn. D

Finance may be requested to advise in the matter.

28/11/50.

28/11/50

28/11/50 Finance

Spoken. Speak please 28/11/50

28/11

considers that a fee [illegible]

D. 2 (33) A

Education Department.

ASSISTANT SECRETARY
24 NOV 1950
37384
EDUCATION DEPARTMENT

From

The Director of Public Instruction,
Madras.

To ✓

The Secretary to Government,
Education Department.

Rc.No.649 A2/48 dated 22.11.1950.

Sir,

Sub:- Hostel--Government Training School for women, Dindigul---Rent control appeal---Pleaders fees--Head of Account--Requested.

D/34 d.7.
p. l ante

Ref:- 1) G.O.Ms.No.2963 Education dated 3.11.1950.
ii) This Office Telephone Message No.649 A2/48 dated 10.11.1950.

* * *

Kindly let me know the Budget head to which the expenditure sanctioned in the above G.O is debitable.

Yours faithfully,

23/11/50

For Director of Public Instruction.

Copy forward to The Accountant General, Madras with reference to his Memorandum No.T6.Judl.M.1084 dated 16.11.1950.

G.M. 22/11.

L 22/11

34

Edn. (D)

Memo. No. 36034-2 D. Edn., dated, 11/12/5

4
12-12

Hostel – Govt. Training School for Women, Dindigul – Rent control appeal – Pleader's fee.

D/34 c.7.
P.2 c.7.

Read: G.O. Ms. No. 2963 Edn., d., 3/11/5
Read also: Letter from the D.P.I.
Re. No. 649 A2/48, dated, 22/11/5

D/34 c.7.

Pl. see G.O. 162 Edn. 20/1/50 M/5 c.7.

The D.P.I. is informed that the expenditure sanctioned in G.O. Ms. No. 2963. Edn., dated, 3-11-'50, should be debited to the head "27- Administration of Justice – b – Law Officers – c – Allowances

Per

Allowances and Honoraria —
~~Honorarium~~) – (~~Fees to Govt. pleaders~~) omit
~~Voted~~."]
D - Contingencies - Fees to pleaders not in Govt. Services - Voted"

5/12/50

12/50.
4/12/50

Note
Home and Finance may see before issue.

5/12/50

12/50.
4/12/50

Home
Finance
Home (Cts. III) Dept.

The draft Memo may be accepted subject to the alterations made in it in pencil and the case passed on to 7 in.

7.12.50

Fin

7/12/50

To
The D.P.I.
The A.G.
(thro' 7 in.)
S/c

ASSISTANT SECRETARY TO GOVERNMENT
7 DEC 1950
100582
FINANCE DEPARTMENT

ASSISTANT SECRETARY TO GOVERNMENT
5 - DEC 1950
HOME DEPARTMENT

Edn. U.O. No.
36034 - 1D.
5-12-50.

183980

Home U.O. 183980 Cts III 8/12/50

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(35)

Finance (Per)

The draft order on pp 1-2 above may be accepted subject to the alterations indicated by Home.

8.12.50

Fin

ASSISTANT SECRETARY
9 DEC 1950
39681
EDUCATION DEPARTMENT

Fin U.O. 100582 Fin. I
8.12.50

DR
8/12/50
8/12/50

EDN

Issue
9/12/50

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