

Edn 1950
(~~194~~) Department.

Ms. SERIES.

G.O. NO. 841 Edn.

Dated 14-3-50.

closed

1082

Supdt.

14

[Despatch Abstract.]

Grant - Building - Wynaad High School, Kalpetta -
Construction of a building on a lease land - Disburse-
ment of the balance of grant - Permitted.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	2590	Edn.	16-10-48.				

Further Papers.

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

Education Department.

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

Re. 706 D2/46 dated 7-3-50.

Sir,

Sub: Grant - Building - The Wynad High School, Kalpetta -
construction - ~~grant~~ - Balance of grant - title.

1352
SUM

Item 6 in the
appendix p 3 of
6 (N)

p 4 of (M)

Government in their Memo.No.27236 B1/47-19 Education dated 9-8-48 have sanctioned the inclusion in the list of approved works of the scheme for the construction of buildings for the Wynad High School, Kalpetta at an approximate cost of Rs.160000/- rendering the institution eligible for a grant not exceeding Rs.35000/- . Government in their Memo.No.67274 B1/48-2 Education dated 6-10-48 condoned the action of the management in having commenced the construction before obtaining approval and in having entrusted the work to an engineer without inviting tenders.

2. Out of the admissible grant of Rs.35,000/- for the above scheme, Government in their order Ms.No.2590 Education dated 16-10-48 sanctioned an advance grant of Rs.30000/- for payment during 1948-49 pending the examination of the title deeds. Based on the valuation certificate of the Executive Engineer, West Coast Division, Calicut, the advance grant of Rs.30000/- was paid during 1948-49.

3. The balance of grant can be paid only after the title is declared to be in order. The management has a 60 year leasehold interest on the land on which the buildings are put up. In connection with the scrutiny of title the Government Solicitor wants to know whether Government have agreed in this case, to take the leasehold property as security for the grant. I submit herewith an extract of letter No.955 dated 2-3-50 from the Government Solicitor. The lease is for a period of 60 years from 11-11-48 till i.e. 11/11/2008 . The grant involved is only Rs.35000/-

Ordinarily the period of mortgage is only 30 years; which is within the period of leasehold interest in the land. Hence the lease-

Para 56 on

11/11/2008

considered as good security for the Gover

grant. For an analogy I ^{may point} ~~was pointed~~ out that Government had sanctioned grant towards the construction of buildings for the National High School, for Girls, Triplicane on lease land (G.O. No. Ms.2267 Education dated 27-10-47 and G.O.No.1931 Education dated 10-8-48.)

4. I request the early orders of Government in the matter.

Yours faithfully,

J. O. Panchanabhi

for Director of Public Instruction.

MB/7-3.

for 7/3

Extract of letter from the Government Solicitor, Madras to the Director of Public Instruction, Madras. No. 955 dated 2-3-50.

Sir,

sub: Grant - Building - The Wynad High School, Kelpetta - construction - title. ***

Your letter Rc.706 D2/46 dated 27th ultimo. In my letter No.249 dated the 18th January 1949 I stated as follows:-

"The lease is for a period of 60 years commencing from the 11th Nov. 1948 and purports to be in favour of Mr. M. Anantayya Gonder, President, and Managing Trustee of the Bustee Ananthanatha swami Devaswom. In my opinion the property being leasehold is not good security for the advances to be made by Government. The position may be rectified only by the execution of a proper deed of conveyance by the Trustees of the Devaswom in favour of the governing body of the Subbakrishna Memorial Jain High School Committee".

(TRUE EXTRACT.)

J. O. Panchanabhi

for Director of Public Instruction.

MB/7-3.

for 7/3

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14/3/50

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The D.P.I is informed that in the circumstances stated, he may authorize the payment in the current year to the management of the Wynad High School, Kalfella of the balance of grant due towards the cost of construction of buildings for the school.

$\frac{13.3.50}{13.3.50}$

Edn. (B)

Grant - Building - Wynad High School, Kalpetta - Construction of a building - Disbursement of the balance of grant.

p3 of (N)
pp 9-10 of (N)

Ref: Govt Memo No. 27236 B, 147-19 Edn. dated 9-8-48
G.O. Ms. No 2590 Edn d/ 16-10-48

pp 1-2 of

From the D.P.G. Re. No. 706 D₂/46 d/ 7-3-50.

p3 of (N)

In Memo No. 27236 B, 147-19 Edn dated 9-8-48,

p4 of (M)
Memo No 67274 B, 147-2
6-10-48
Item 2 on p11 of (N)

Sanction was accorded to the inclusion in the list of approved works, of the scheme for the construction of a building for the Wynad High School, Kalpetta, at an estimated cost of Rs 1,60,000/-. Certain procedural irregularities committed by the management were condoned and the D.P.G. was authorised to disburse a sum of Rs 30,000 as an advance grant out of the maximum grant of Rs 35,000 admissible to the scheme, vide G.O. No 2590 Edn d/ 16-10-48. The D.P.G. was informed that the balance of grant should be disbursed only after the title deeds have been scrutinised and found to be in order by the Govt. Solicitor.

para 2 on p 9 of (N)

para 2 on p1 of

2. The D.P.G. has reported that the sum of Rs 30,000/- was disbursed to the management during the year 1948-49. As regards the payment of the balance of grant, the D.P.G. has forwarded a copy of the letter from the Govt. Solicitor. The latter has stated that as the site on which the buildings for the school have been constructed, have been on taken on lease for a period of 60 years, it may not form sufficient security for the grant sanctioned by Govt. As pointed out by the D.P.G., under the provisions of the Grant-in-Aid code, the period of mortgage to be executed by the management in favour of Govt. is only for thirty years while it holds the lease on the sites for a period of sixty years. In the circumstances it is for consideration whether the Director's recommendation that the lease hold property may be considered as good security towards the Govt grant may be accepted. Mention may be made in this connection that

p3 of

Rule 56 on p11 of BK
No 40.

para 3 on p1 of

para 3 on pp 1-2 of

1101

para 1 on p1 of (L)

the buildings of the National High School (Girls), Triplicane were recently constructed on a lease-hold property (land for 99 years) and that this security has been considered satisfactory, when grants were sanctioned

towards that scheme.

3. The file may be sent to Legal and Finance U.O.

for remarks

10-3-50

The D.P. may be asked to invite the attention of the Govt. solicitor to the payment of grant for the National High School building at Triplicane constructed on a lease land and asked to state the reasons for a change of opinion in the case under reference.

10/3/50

10.3.50



Legal / Fin.

Legal Department

This Department agrees with Education. The period of mortgage of the property to Government is only for 30 years, whereas the management has taken over the lease for 60 years. In view of this, and also the provisions of section 3 of Madras Act XIV of 1948 (which may be expected to be brought into force early), there is no objection to disbursing the grant.

11.3.50

Fin.

Fin (Exp A)

Please see the letter from the D.P. from pp 1-2 C.F. and the notes on pp 1-2 above. In view of the legal position stated in the Legal Dept's note above and of the precedent in G.O. No. 1981 Edn. 3-10-8-1948, Finance may agree to the disbursement of the balance of grant due as suggested by Legal.

11.3.50

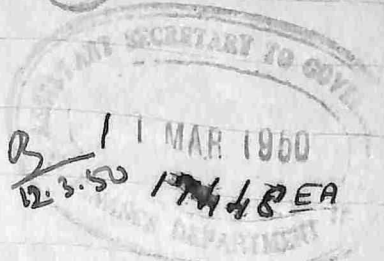
12.3.50

Edm. U.O. No. 1352 B/50-1 Edn 11.3.50



Fin

Legal U.O. No. 2815/50-1 11-3-50 5-10 PM



Fin No. 17448 Exp A.1 12.3.50

Please see the notes of the Legal & Finance Dept. A draft order is submitted below for approval.

13.3.50

12/3/50

16.3.50