

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1443 A	Press Mis.
⁵⁻⁶ Dated	3-10-	12 1864

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
3rd October 1864.*

No. 5. Read the following letter from W. M. CADELL, Esq., Collector of Tanjore; to J. D. SIM, Esq., Secretary to Government, Judicial Department, Madras, dated Vullum, 17th September 1864, No. 1006.

Adverting to the Order of Government, dated the 8th March last, No. 330, I have the honor to report that no land is at present available to be given in exchange for that selected for the erection of the Court House and Jail at Tanjore, nor are the Trustees of the Mosque to which the land belongs prepared to take up any land chosen and purchased by Government from others. They have again and again been offering to select lands of their own choosing for the exchange, but have not been able to effect this during the past six months. The fact, as it seems to me, is they are desirous of having money and not land in exchange for that required for the purpose in question.

2. I would take leave to observe that where, as in this case, land is required for a public purpose, the Government are not restricted from taking it up for a fair valuation by considerations of the competency or otherwise, of the party in occupation to sell the same. No such restrictions were observed, or indeed could be observed, in taking possession of lands required for the Railway; Act VI of 1857 authorizes all lands of whatever description required for a public purpose to be taken up compulsorily, and if the land belonging to an Institution can be thus taken up without the consent of the party holding it on trust, it appears to me that no objection can exist for the same being done with the consent of such party.

3. Under this view of the case, and considering also that the site which has been fixed upon for the purpose, is the best adapted, and in fact the only eligible one for the Court House, I would beg to recommend that it be purchased from the Trustees of the Mosque, a written agreement being taken from them, however, to the effect that the value paid for the same, shall be duly appropriated for the purposes of the Mosque.

No. 6. ORDER THEREON, 3rd October 1864, No. 1443 A.

The piece of land referred to in the foregoing letter, was selected as the most eligible site in Tanjore for the Zillah Court House and Jail proposed to be erected there. It is the property of a Mosque, and for this reason the Government directed that, instead of obtaining it by payment of its price, viz., Rupees 1500, it should be taken in exchange for other land of equal value. The Collector now reports that the Trustees of the Mosque are unwilling to accept other lands in exchange, but want the money payment. The Governor in Council is prepared to take formal possession under Act VI of 1857, but, before passing orders to that effect, requests that the Advocate General will advise whether the Government should take any, and, if so, what steps to secure the appropriation of the money to the Mosque.

(True Extract.)

Secretary to Government.

To the Government Solicitor.

Collector of Tanjore.

Ed. J. Tulloch

for other land of equal value.

Judicial Department.

28
No. 330
8.3.64

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Collector

of Tanjore. Enter 17 Sept. '64 N^o 1006

Order 3^d October 1864 N^o 1443 A

The piece of land referred
to in the foregoing letter,
which was selected as the most
eligible site in Tanjore
for the Zillah Court
house & Jail proposed
to be erected there, is the
property of a mosque,
and for this reason the
Govt. directed that, in-
stead of obtaining it
by payment of its price,
viz. Rs. 1,500, it should
be taken in exchange
for other land of equal
value.

State of the Union
Annual Message
1864

No. 2146

Address 1864 Department.

No. 448

PROCEEDINGS OF GOVERNMENT.

Dated 3 Dec 1864

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