

- (1) பக்கங்களின் எண்ணிக்கை 10
(2) புதுக்கித் திருப்பிய நாள் 8/23
(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Judicial குறை

அரசாணை எண்.	1805 C 80-82	அச்சகம்
மு. கோப்புத் தாள் எண்.		பலவகை
நாள் :	15. 11. 1869.	199

மடிக்கவேண்டிய கையாளவோ கூடாது.

*Proceedings of the Madras Government, Judicial Department,
15th November 1869.*

No. 80. Read the following letter from the Secretary to the Government of India, Home Department, (Public,) to the Chief Secretary to Government, Fort Saint George, dated Simla, 20th October 1869, No. 4783.

Assuming that it was the intention of the Legislature, in passing the Registration Act, that all transactions affecting immoveable property should be placed upon public record in the Registration Offices, the Registrar-General of the Lower Provinces has pointed out that Part VIII. of the Act only provides for the registration of decrees and of the orders of Civil Courts, and not for the registration of orders of Revenue Officers acting executively, the registration of which may be quite as essential to a complete record of title. Mr. Beverly, therefore, has proposed the amendment of the Act so as to include such revenue orders. Annexed is an extract on the subject from the last annual report of the Lower Provinces:—

“ It was pointed out by my predecessor, in paragraph 18 of his last annual report, that by a decision of Government conveyed in letter, No. 2343-T, dated the 19th September 1866, the provisions of Section 42 were held inapplicable to the orders of Revenue Courts acting executively, and that memoranda of such orders are consequently not registered.

“ The effects of this order have not, however, I think, been brought with sufficient fullness to the notice of Government.

“ The object of the Legislature in enacting Section 42 was to afford a complete record of title through the machinery of the Registration Offices. Now the orders of Revenue Court acting judicially consist merely of decrees and orders under Act X. of 1859. These orders, for the most part, affect only minor interests in immoveable property—interests, in fact, arising out of the relation between landlord and tenant. It is obvious that, as far as title is concerned, the orders that it would be essential to preserve a record of—keeping the object of the Legislature in view—would be orders under the Butwara Laws; orders for common and special registry and for opening separate accounts under Act XI. of 1869; certificates of sales for arrears of revenue and the like. But as long as memoranda of all such orders of Revenue Courts are excluded, it is clear that the Registration Department is not in a position to afford a complete record of title, and it becomes, I think, worth considering whether it is necessary to keep up a semblance of such a record by exacting memoranda of the judicial orders of the same Courts, which affect for the most part minor interests only, and to which I venture to assert reference will rarely, if ever, be made.

“ I need scarcely point out that a vast expenditure of time and labour is entailed not only on this Department, but also on the Courts which have to prepare and send the memoranda, and I am by no means satisfied that any adequate object is attained. I will illustrate my meaning by an instance which is of every-day occurrence. A Deputy Collector in charge of a Sub-Division enhances the rents of a dozen ryots. He has then to prepare and send twelve memoranda to the District Registrar, who files them in his office, and prepares twelve copies, which he sends back to the Sub-Registrar, who, in his capacity of Deputy Collector, passed the orders, and who has the original decrees in his record room already available for purposes of search.

“ It is, I think, obvious that the registration of these judicial orders is a waste of time, money, and labour, if the intention of the Legislature, which was to create

Proceedings of the Madras Government, Judicial Department,

15th November 1869.

a complete record of title, is nullified by the exclusion of memoranda of the infinitely more important executive orders of the same Courts, and I would, therefore, recommend that the latter be sent, or that the law be amended, so as to allow of the discontinuance of the former."

2. It seems, however, to the Governor-General in Council hardly practicable to register executive revenue orders, except those issued under certain specified Acts or Regulations. But before arriving at a final decision, His Excellency in Council wishes to be favoured with the opinion of the Government of Madras on the subject.

3. It has also been represented that some Registrars-General appear to think that even at present the decrees, which ought, under the existing law, to be registered, are not registered owing to oversight on the part of the Courts, and a comparison of the figures of such judicial reports as are available leads to the belief that there is ground for this suspicion. Thus in Madras, Bengal, and the North-Western Provinces, the number of memoranda registered under Section 42 very slightly exceeds the number of suits affecting immoveable property filed in Civil Courts alone. In each case the margin is much too slender to cover the number of suits in Revenue Courts. The question raised is one affecting the policy of the law, viz., whether it is worthwhile to attempt to maintain a complete record of title, and whether it would not be better to confine the working of the law to the sphere of protection against fraud; and I am desirous to invite an expression of the opinion of the Government of Madras on this point also.

No. 31.

ORDER THEREON, 15th November 1869, No. 1805.

Resolved that copies of the foregoing letter be forwarded to the Honourable the Judges of the High Court, to the Board of Revenue, and to the Registrar-General of Assurances, with a request that they will favour Government with any remarks they may desire to make on the amendment proposed by the Registrar-General of Assurances of the Lower Provinces in Act XX. of 1866, and also regarding the decrees of Revenue Courts affecting immoveable property, referred to in paragraph 3 of the letter.

(True Extract.)

Chief Secretary.

To the Honourable the Judges of the High Court.
" Revenue Department.
" Registrar-General of Assurances.

Edw. J. Wright

Copy for copies of certain public orders
due to Assistant Secy.

NOVEMBER.
Nos. 80-82.

Dated November, 1869.
Recd.
G. O. 1244. Nov. 27/1869. No. 1503.

THE HON. THE JUDGES OF THE
HIGH COURT.

JUDICIAL.

Govt. of 1869. 20/11/69

FROM

E. C. BAYLEY, Esq.,

Secretary to the Govt. of India,

TO

The Secy to the Govt. of Madras.

Home Dept.

Public.

SIMLA, the 20 October 1869.

SIR,

ASSUMING that it was the intention of the Legislature, in passing the Registration Act, that all transactions affecting immovable property should be placed upon public record in the Registration Offices, the Registrar General of the Lower Provinces has pointed out that Part VIII. of the Act only provides for the registration of decrees and of the orders of Civil Courts, and not for the registration of orders of Revenue Officers acting executively, the registration of which may be quite as essential to a complete record of title. Mr. Beverly, therefore, has proposed the amendment of the Act so as to include such revenue orders. Annexed is an extract on the subject from the last Annual Report of the Lower Provinces:—

"It was pointed out by my predecessor, in paragraph 18 of his last Annual Report, that by a decision of Government conveyed in letter No. 231, dated the 19th September acting executively, and that memoranda of such orders are consequently not registered."

"The effects of this order have not, however, I think, been brought with sufficient fulness to the notice of Government."

"The object of the Legislature in enacting section 42 was to afford a complete record of title through the machinery of the Registration Offices. Now the orders of a Revenue Court acting judicially consist merely of decrees and orders under Act X. of 1859. These orders, for the most part, affect only minor interests in immovable property, interests, in fact, arising out of the relation between landlord and tenant. It is obvious that, as far as title is concerned, the orders that it would be essential to preserve a record of—keeping the object of the Legislature in view—would be orders under the Butwara Laws; orders for common and special registry and for opening separate accounts under Act X. of 1859; certificates of sales for arrears of revenue and the like. But as long as memoranda of all such orders of Revenue Courts are excluded, it is clear that the Registration Department is not in a position to afford a complete record of title, and it becomes, I think, worth considering whether it is necessary to keep up a semblance of such a record by exacting memoranda of the judicial orders of the same Courts, which affect for the most part minor interests only, and to which I venture to assert reference will rarely, if ever, be made."

"I need scarcely point out that a vast expenditure of time and labor is entailed not only on this Department, but also on the Courts which have to prepare and send the memoranda, and I am by no means satisfied that any adequate object is attained. I will illustrate my meaning by an instance which is of every-day occurrence. A Deputy Collector in charge of a Sub-Division enhances the rents of a dozen ryots. He has then to prepare and send twelve memoranda to the District Registrar, who files them in his Office, and prepares twelve copies, which he sends back to the Sub-Registrar, who, in his capacity of Deputy Collector, passes the orders, and who has the original decrees in his record room already available for purposes of search."

"It is, I think, obvious that the registration of these judicial orders is a waste of time, money, and labor, if the intention of the Legislature, which was to create a complete record of title, is nullified by the exclusion of memoranda of the infinitely more important executive orders of the same Courts, and I would, therefore, recommend that the Act be amended, so as to allow of the discontinuance of the present system, or that the law be amended, so as to allow of the discontinuance of the present system."

3. It has also been represented that some Registrars General appear to think that even at present the decrees, which ought, under the existing law, to be registered, are not registered owing to oversight on the part of the Courts, and a comparison of the figures of such judicial reports as are available leads to the belief that there is ground for this suspicion. Thus in Madras, Bengal, and the North-Western Provinces, the number of memoranda registered under section 42 very slightly exceeds the number of suits affecting immoveable property filed in Civil Courts alone. In each case, the margin is much too slender to cover the number of suits in Revenue Courts. The question raised is one affecting the policy of the law, viz., whether it is worth while to attempt to maintain a complete record of title, and whether it would not be better to confine the working of the law to the sphere of protection against fraud; and I am desired to invite an expression of the opinion of the Council of Madras on this point also.

I have the honor to be,

21E.

Your most obedient Servant,

Edw. Lytle

1805
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Judicial Department.

66 7

PROCEEDINGS of the MADRAS GOVERNMENT.

letter Leo

Read the following letter *from the*

Read the following letter.

Secy. to the Govt. of India.
Home Dept.
11. 11. 1883

Recy. no. 10. /
/Here enter 20. Octr. / 9. N. 4783/

Order thereon 15-November 1869. N^o 1805-

Resolved that
copies of the foregoing let-
ters be forwarded to the
Honorable the Judges of
the High Court, to the
Board of Revenue; and to
the Registrar General of
Assurances, with a request
that they will favor the
Government with any re-
marks they may desire
to make thereon.

[illegible]

Registrar General of
Assurances of the lower
Provinces in Act ~~IX~~ of 1866.
and also regarding the
decrees of Revenue Courts
affecting immovable pro-
perty, referred to in para-
graph 3 of the letter.

W

40 40

To

The Honble. the Judges of
the High Court.

Revenue Department.

Registrar General of }
Assurances.

9-15-1911

Cont. of 118 1 Mndms.

Recd.

To

We are the party of
the 1st of 118

Date 15 Nov 1887
Recd. 1887 No. 118

Nos. 118 118

Calling for names
on certain points
affecting the Messrs
-Watson & Co

5/508