

Local & Munl. (1899) Department.

PRINTED.

G.O., No. 1725 *m*

DATED 20-11-99

[Despatch Abstract.]

Occupancy right in State land.

Communicating to all Local Board & Munl. Councils and the Munl. Commissioners of Madras P.O. R.D. sanctioning subject to certain conditions, the alienation of certain land to the Munl. Council, Coonoor; and considering that all Govt. lands required by local bodies for bona fide public purposes should be granted free of any initial charge for the occupancy right.

# BACK PAPERS.

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## Government {1899} of Madras. LOCAL AND MUNICIPAL.

*Recd.*

*Regd.*

} 1899.

*Enclosures*

*Spare copies*

G.O., No. 1725 M., 20th November 1899.

NOVEMBER.

### Occupancy right in State land.

Communicating to all Local Boards and Municipal Councils and the Municipal Commissioners of Madras, Government Order, Revenue Department, sanctioning, subject to certain conditions, the alienation of certain land to the Municipal Council, Coonoor, and considering that all Government lands required by local bodies for *bona fide* public purposes should be granted free of any initial charge for the occupancy right.

## GOVERNMENT OF MADRAS.

## LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following paper:—

G.O., No. 719, Revenue, dated 23rd October 1899.

Read—the following Reference of the Board of Revenue (Land Revenue), B. No. 385, dated 1st August 1899:—

The Hon'ble Mr. J. STURROCK, I.C.S.  
Mr. F. A. NICHOLSON.

Reference—B. No. 385, dated 1st August 1899.

Mr. Weir, the Collector of the Nilgiris, recently reported that 11.48 acres of grazing ground poramboke had been granted by his predecessor to the Coonoor Municipal Council as a site for the deposit of night-soil subject to an assessment at the rate prevailing in the neighbourhood, and applied for the formal sanction of Government for the alienation of the occupancy right in the land, of which the rent-value was estimated at Rs. 4-4-11 and the market-value at Rs. 459. He was there-upon requested by the Board to state whether the Municipal Council was prepared to pay the value of the occupancy right in the site in addition to the assessment. In reply to this reference the present Acting Collector (Mr. Roberts) states that it is unusual to recover the value of the occupancy right in such cases and urges that as the land is required for a *bonâ fide* public purpose, it may be alienated subject only to assessment as already recommended by him.

2. There is no definite rule at present as to the circumstances in which the occupancy right in State land should be transferred free of charge to a local body. The Board's Standing Order No. 12-A mentions the circumstances in which land occupied by a local body should be exempt from or liable to assessment, but the only reference to the alienation of the occupancy right in State land is contained in paragraph 4, which runs as follows:—

Applications for the grant of lands will be dealt with on the same principles as those applicable to the exemption from assessment of occupied lands. No reference need be made to the Government when it is proposed to grant lands subject to the payment of assessment.

Under this rule Government land granted to a local body subject to assessment has hitherto been usually given without demanding a payment for the occupancy right on the analogy of the grant of Government waste lands to private applicants under the darkhast rules. In the Presidency town, however, there are instances in which Government land has been sold to the Municipal Commissioners subject to quit-rent, but in these instances the general practice in regard to the disposal of waste lands situated in Madras was followed.

For the future, inasmuch as the alienation of the occupancy right in Government waste land amounts to a free grant of land, the Board considers that some definite principle should be observed in making such grants and would suggest that a free gift of such occupancy right may be permitted only under the circumstances in which exemption from assessment is allowable under the existing rules. If this principle were applied to the present case, the Coonoor Municipal Council would be liable to

pay the full value of the land taken up for a night-soil depot which is not one of the purposes in consideration of which exemption from assessment can be permitted. With these remarks the Collector's application will be submitted for the orders of Government.

(Signed) LIONEL DAVIDSON,  
Acting Secretary.

To the Secretary to Government, Revenue Department,  
with a statement.

Order—No. 719, Revenue, dated 23rd October 1899.

Miscellaneous.

The alienation of the land measuring 11.48 acres to the Municipal Council, Coonoor, is sanctioned subject only to the payment of assessment and to the condition that the land will be liable to resumption when it ceases to be used as a site for the deposit of night-soil.

2. As regards the question raised in paragraph 2 of the Board's reference, the Government considers that all Government lands required by local bodies for *bonâ fide* public purposes should be granted free of any initial charge for the occupancy right, specifying the public purposes for which they should be utilized, subject always to the condition that the lands will be liable to resumption when they cease to be used for the special purposes for which they are granted.

(True Extract.)

(Signed) H. TREMENHEERE,  
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).  
Copy to the Local and Municipal Department.

ORDER—No. 1725 M., dated 20th November 1899.

Communicated to all Local Boards and Municipal Councils and the Municipal Commissioners of Madras.

(True Extract.)

M. HAMMICK,  
Ag. Secretary to Government.

To all Presidents of District Boards.  
" all Chairmen of Municipal Councils.  
" the President, Municipal Commission, Madras.

520

Proof  
23/11  
24/11

Government (1899) of Madras.  
LOCAL AND MUNICIPAL.

Proof for approval

Strike off as revised  
23/11/99

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27/11/99

G.O., No. 1725 M., 20th November 1899.

NOVEMBER.

14

Occupancy right in State land.

Communicating to all Local Boards and Municipal Councils and the Municipal Commissioners of Madras, Government Order, Revenue Department, sanctioning, subject to certain conditions, the alienation of certain land to the Municipal Council, Coonoor, and considering that all Government lands required by local bodies for *bona fide* public purposes should be granted free of any initial charge for the occupancy right.

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2. There is no definite rule at present as to the circumstances in which the occupancy right in State land should be transferred free of charge to a local body. The Board's Standing Order No. 12-A mentions the circumstances in which land occupied by a local body should be exempt from or liable to assessment, but the only reference to the alienation of the occupancy right in State land is contained in paragraph 4, which runs as follows:—

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(True Extract.)

(Signed) H. TREMENHEERE,  
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

Copy to the Local and Municipal Department.

ORDER—No. 1725 M., dated 20th November 1899.

Communicated to all Local Boards and Municipal Councils and the Municipal Commissioners of Madras.

(True Extract.)

for Ag. Secretary to Government.

To all Presidents of District Boards.  
„ all Chairmen of Municipal Councils.  
„ the President, Municipal Commission, Madras.

# Government (1899) of Madras. REVENUE.

172549  
20-11-99

LOCAL & MUNICIPAL DEPT.  
29.2.1900

Not standing  
21/11

Recd. 11<sup>th</sup> Nov } 1899.  
Regd. 13<sup>th</sup> \_\_\_\_\_

Enclosures ..  
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G.O., No. 719, 23rd October 1899.

order No. 172549/20/11/99  
Communicated to all Local Boards  
and Municipal Councils and the Municipal Commissioners of Madras.

OCTOBER.

To All Presidents of District Boards,  
Chairmen of Municipal Councils,  
The President, Municipal Commission,  
Madras.

17/11/99  
18-11-99  
1/12/99

Repetitive  
transmission  
done after 1st  
11/11

Office  
Note this  
18/11

## Occupancy right in State land.

Sanctioning, subject to certain conditions, the alienation of certain land to the municipal council, Coonoor; and considering that all Government lands required by local bodies for bona fide public purposes should be granted free of any initial charge for the occupancy right.

16/11  
21/11/99  
16/11  
18/11

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(True Extract.)

Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

Copy to the Local and Municipal Department.

Exd. Shaik Karim.

40 Copies.

First copy sent to Press. 20-11-99

Returned for signature. 30-11-99

Despatched in print. 1-12-99

5-12-99  
6-12-99

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DATED

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ORDER OF GOVERNMENT

A

LETTER OF GOVERNMENT

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