M.R.O. 1—10,006—28-2-50.

(1) Number of pages

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE

Government of Madras

Public Works. DEPARTMENT

G.O. No.	1186-Pwg	Press
B.P. No. 490-91		Mis.
Dated	23-6-1891	195 .

Not to be folded or roughly handled

No. 490. Read the following endorsement of the Revenue Department, dated 30th May 1874:—

Proceedings of the Court of Wards, dated 20th May 1874, No. 1,174:—

Read the following letter from A. McC. WEBSTER, Esq., Acting Collector of Madras, to J. GROSE, Esq., Secretary to the Court of Wards, dated 31st March 1874, No. 50:—

I HAVE the honour to address the Board on certain points in connection with the compensation payable to the Court of Wards for a piece of ground and bungalow in Madras, part of the Arnee Estate now under their management and taken up for the Carnatic Railway.

2. On the 16th September 1873, the Government published a declaration (Enclosure 1, copy of G. O.) under Section 6 of the Land Acquisition Act X. of 1870, that this property was needed for a public purpose, viz., the Carnatic Railway, and at the same time directed the Collector of Madras or his Deputy to take order for its acquisition.

3. On the 26th September, the Government invested (Enclosure 2) the Acting Deputy Collector, Suryamurthi Pillai, with the powers of a "Collector" under Section 3 of the Act.

4. After the receipt of the above orders and on the 8th October, Suryamurthi Pillai addressed a letter (Enclosure 3) to the Collector of North Arcot, negotiating for the purchase of the property, and informing him at the same time that "rather than take possession of the property under the Act, it would be best to settle the price amicably."

5. In reply to the above communication, the Collector of North Arcot stated in his letter (Enclosure 4), No. 69, of 5th ultimo, that he was authorized by the Court of Wards to make over the property on payment of a value of Rupees 18,773-14-2.

6. On the 12th ultimo, Deputy Collector Raghunadha Row remitted this amount to the Collector of North Arcot, and obtained possession of the property.

7. Raghunadha Row now inquires whether he should pay the Collector of North Arcot the extra compensation of 15 per cent. referred to in Section 42 of the Act. This amounts to Rupees 3,381.

8. This percentage would only be *due* if the "Collector" had proceeded in accordance with the provisions of the Act, and made an award under Section 14, and not otherwise: but it would be hard to deny the estate the benefit of the provisions of the Act on this technical ground, as the neighbours whose lands were taken up in accordance with the provisions of the law have received this additional compensation. I have, however, no authority to pass orders on this matter, and beg therefore to request that the Board will, if they see no objection, obtain the sanction of Government for paying the amount.

9. I have also to submit, for the consideration of the Board, another point in connection with the purchase of the above property, viz., whether, as matters now stand, the property can be said to "vest absolutely in the Government free from all incumbrances" within the meaning of Section 16 of the Act. I think that the protection of this section cannot be claimed by Government in this case, as

the "Collector" has not proceeded in accordance with the Act, giving the requisite notices, holding an inquiry and making an award (which takes the place of a conveyance under the Act). I believe that, as in the case of private purchases, a conveyance deed for the property in question must be taken from the Court of Wards with a clause to indemnify Government against incumbrances (if any) on the property.

ENCLOSURE No. 1.—Copy of G. O., dated 16th September 1873, No. 2,202-A.

ENCLOSURE No. 2.—Copy of G. O., dated 26th September 1873, No. 1,377, Financial Department.

ENCLOSURE No. 3.—Letter from Acting Deputy Collector of Madras, to Collector of North Arcot, dated 8th October 1873, No. 768.

ENCLOSURE No. 4.—Letter from Collector of North Arcot, dated 5th February 1874, No. 69, to Deputy Collector of Madras.

SUBMITTED for the orders of Government.

2. On the 16th September 1873, Government declared a certain piece of ground with a bungalow, the property of the Arnee Jaghiredar (*now a Minor* under the Court of Wards), to be needed for a public purpose under Act X. of 1870. The Court of Wards had the property valued, and agreed to give it up on payment of the value and the valuer's commission, Rupees 18,773-14-2. The money was paid and the property given up.

3. The Court now resolve to request Government to sanction payment of the 15 per cent. on the value, which, under Section 42, Act X. of 1870, is to be paid when compensation is determined under the Act "in consideration of the compulsory nature of the acquisition." Though the compensation was not awarded under the Act, the acquisition was just as compulsory as if it had been; the value determined is certainly not greater than it would have been if settled in the usual way, and the refusal of the 15 per cent. would amount to fining the Court for their readiness in meeting the wishes of Government.

4. With regard to paragraph 9, the Court observe that Government must have a conveyance. The Collector of Madras should prepare one and send it to the Collector of North Arcot for execution.

TRANSFERRED to the Public Works Department.

(Signed) C. G. MASTER,
Acting Secretary to Government, R. D.

No. 491. ORDER THEREON, 23rd June 1874, No. 1,686.

RAILWAY, No. 78.

UNDER the circumstances represented, His Excellency the Governor in Council is pleased to sanction the additional 15 per cent. * being paid to the Court of Wards for the piece of ground and bungalow referred to in this correspondence, in consideration of the compulsory nature of the acquisition. The amount will be payable on receipt of the deed of conveyance, which the Court have instructed to be prepared.

* Rupees 3,381.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Revenue Department.
" *Consulting Engineer for Railways.*
" Officiating Controller of Public Works Accounts.

Exd. W. H. French.

Spare Copies

No. 1,174.

PROCEEDINGS OF THE COURT OF WARDS, dated 20th May 1874.

Read the following letter from A. McC. WEBSTER, Esq., Acting Collector of Madras, to J. GROSE, Esq., Secretary to the Court of Wards, dated 31st March 1874, No. 50 :—

I HAVE the honour to address the Board on certain points in connection with the compensation payable to the Court of Wards for a piece of ground and bungalow in Madras, part of the Arnee Estate now under their management and taken up for the Carnatic Railway.

2. On the 16th September 1873, the Government published a declaration (Enclosure 1, copy of G. O), under Section 6 of the Land Acquisition Act X. of 1870, that this property was needed for a public purpose, viz., the Carnatic Railway, and at the same time directed the Collector of Madras or his Deputy to take order for its acquisition.

3. On the 26th September, the Government invested (Enclosure 2) the Acting Deputy Collector, Suryamurthi Pillai, with the powers of a "Collector" under Section 3 of the Act.

4. After the receipt of the above orders and on the 8th October, Suryamurthi Pillai addressed a letter (Enclosure 3) to the Collector of North Arcot, negotiating for the purchase of the property, and informing him at the same time that "rather than take possession of the property under the Act, it would be best to settle the price amicably."

5. In reply to the above communication, the Collector of North Arcot stated in his letter (Enclosure 4), No. 69, of 5th ultimo, that he was authorized by the Court of Wards to make over the property on payment of a value of Rupees 18,773-14-3.

6. On the 12th ultimo, Deputy Collector Raghunadha Row remitted this amount to the Collector of North Arcot, and obtained possession of the property.

7. Raghunadha Row now inquires whether he should pay the Collector of North Arcot the extra compensation of 15 per cent. referred to in Section 42 of the Act. This amounts to Rupees 3,381.

8. This percentage would only be *due* if the "Collector" had proceeded in accordance with the provisions of the Act, and made an award under Section 14, and not otherwise: but it would be hard to deny the estate the benefit of the provisions of the Act on this technical ground, as the neighbours whose lands were taken up in accordance with the provisions of the law have received this additional compensation. I have, however, no authority to pass orders on this matter, and beg therefore to request that the Board will, if they see no objection, obtain the sanction of Government for paying the amount.

9. I have also to submit, for the consideration of the Board, another point in connection with the purchase of the above property, viz., whether, as matters now stand, the property can be said to "vest absolutely in the Government free from all incumbrances" within the meaning of Section 16 of the Act. I think that the protection of this section cannot be claimed by Government in this case, as the "Collector" has not proceeded in accordance with the Act, giving the requisite notices, holding an inquiry and making an award (which takes the place of a conveyance under the Act). I believe that, as in the case of private purchases,

a conveyance deed for the property in question must be taken from the Court of Wards with a clause to indemnify Government against incumbrances (if any) on the property.

Enclosure No. 1.—Copy of G. O., dated 16th September 1873, No. 2,292-A.

Enclosure No. 2.—Copy of G. O., dated 26th September 1873, No. 1,377, Financial Department.

Enclosure No. 3.—Letter from Acting Deputy Collector of Madras, to Collector of North Arcot, dated 8th October 1873, No. 768.

Enclosure No. 4.—Letter from Collector of North Arcot, dated 5th February 1874, No. 69, to Deputy Collector of Madras.

Submitted for the orders of Government.

2. On the 16th September 1873, Government declared a certain piece of ground with a bungalow, the property of the Arnee Jaghiredar (now a Minor under the Court of Wards), to be needed for a public purpose under Act X. of 1870. The Court of Wards had the property valued, and agreed to give it up on payment of the value and the valuer's commission, Rupees 18,773-14-2. The money was paid and the property given up.

3. The Court now resolve to request Government to sanction payment of the 15 per cent. on the value, which, under Section 42, Act X. of 1870, is to be paid when compensation is determined under the Act "in consideration of the compulsory nature of the acquisition." Though the compensation was not awarded under the Act, the acquisition was just as compulsory as if it had been; the value determined is certainly not greater than it would have been if settled in the usual way, and the refusal of the 15 per cent. would amount to fining the Court for their readiness in meeting the wishes of Government.

4. With regard to paragraph 9, the Court observe that Government must have a conveyance. The Collector of Madras should prepare one and send it to the Collector of North Arcot for execution.

(A true Copy and Extract.)

J. Grote
Secretary.

To the Acting Secretary to Government, Revenue Department,
with two original enclosures.
,, the Acting Collector of Madras.
,, the Collector of North Arcot.
Exd. W. H. French

Received 1874
Court of Wards,
MADRAS.

Proceedings, 20th May 1874, No. 1,174.
Encl. 4

Received

MAY.
No. 1,174.

Compensation—for a bungalow and ground in Madras, belonging to Arnee Jaghiredar and required for Carnatic Railway.—Government recommended to sanction payment of 15 per cent. on valuation of property in addition to valuation as—. Collector of Madras to prepare a conveyance of property and send it to Collector of North Arcot for execution.

1680

MEMORANDUM.

~~to be returned~~

Requested ~~for reference~~ the undermentioned papers on the subject of compensation for the bungalow of the Arnee Jaghiredar taken up for the Carnatic Railway—

2 Original Enclosures sent to Govt. vide B. of Proceedings 20 May 1874 No 1174 and transferred to Government No. 1 Department with Revenue Department Endorsement dated 20 May 1874.

Revenue Board Office,
11 November 1874.

Registrar.

To

The Registrar of the Govt Offices
Public Works Dept.

1878

P. W. D.

Proceedings of the Madras Government,

Under date the 187 .

Read the following:—

Proceedings of Govt Madras PW No 1174 dated 20 May 1878

Under the circum-
stances represented in the
letter from the Govern-
ment of India, I am
directed to sanction the
payment of interest at 15 per cent during
the period for which compensation was
paid to the Court of Wards
for the site of ground and
Bungalow referred to in the
correspondence, viz from the
date of the conclusion of
the agreement for the acquisition
of the ~~[illegible]~~ to the
~~[illegible]~~ date of the ~~[illegible]~~
20

E. 3381.

1878 Department

Govt. of Madras

No. 3 1-1-5

From

The Acting Secy. to Govt.

Revenue Dept.

Dated 30th May 1878

Received 8th June 1878

Encloss: 2

No. 2 1687. 23-6-78.

Encumbering

Govt. of the Court of

Wards relative to

the payment of

Compensation for the

bungalow &c belonging

to the Arcee Jaglieredy

and letter &c in

connection with the

Carnatic Railway -

No 1498

Govt. of India. Public Works.

To

The Rev. Dept.

Dated

Read

Encl. 2

G. O. 23rd March 1874, No. 1585

Nos. 450-451.

Recd. Camacte Rd

with remarks
Cancelling the addi-
tional 15 per cent levied
to the Court of Wards
the piece of ground
and adout 9 cs. belonging
to Ameer Jaghirdars
as up in connection
the Camacte Road
&c.

Cancelled

Be pressed for Rys. 1/-
Ent. of Rbt. 1/-
Ent. of Rbt. 1/-

4450-4451

Be pressed for
: ceipt of the
& deed of Cancellation
between the Court
have confirmed
& be returned

Encl.

3445

1686
23-6-74