

- (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.	2385	Press	<i>Signal</i>
B.P. No.		Mts.	
Dated	7. 9.	195	1876

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
7th September 1876. No. 2,385.*

No. 84. From the Dist. Engr., Godavery, dated 25th March 1876, No. 3,776.
 No. 84-A. To " " " 6th April " " 26-G.D.
 Petition, dated 6th April 1876, from D. Ramiah; with endorsement, dated
 16th May, to District Engineer for report.
 No. 84-B. From the Dist. Engr., Godavery, dated 9th May 1876, No. 324.
 No. 84-C. " " " " 7th June " " 665.
 No. 84-D. To " " " 28th June " " 66-G.D.
 No. 84-E. From " " " 12th August " " 1,341.

No. 172-W. :—

No. 84-F. Note by the Chief Engineer for Irrigation.

IN the first of these communications the District Engineer asks for the sanction of Government to the institution of a suit for the recovery of Rupees 3,325 from one D. Ramiah, who bid for the Vaddivani Lunka, and failing to fulfil the prescribed conditions of sale, the lunka was resold at a loss represented by the above amount.

2. It appears to the undersigned that the institution of a suit would be useless, seeing that the notice of sale published in the District Gazette contains no intimation that in the event of the purchase being not completed the resale would be at the risk and loss of the first purchaser. Indeed, the penalty laid down is different, viz., the confiscation of the deposit which not having been made, there would seem to be no remedy. The Assistant Engineer who conducted the sale, believing D. Ramiah, who had rented the lunka the year before, to be a trustworthy person, allowed him a short time to fetch the deposit money, and the loss is the result of this concession which should not have been made. Unless D. Ramiah was prepared then and there to deposit one-fourth of his bid, the lunka should have been sold to the highest bidder who was prepared to pay the requisite deposit.

3. D. Ramiah should not be allowed to bid in future or to rent any of the lunkas.

4. The notice of sale should for the future be much more carefully drawn up. It should require the payment of one-fourth of the price at which each lunka may be knocked down immediately on the highest bid being made and accepted. Failing the payment of the rest of the rent within the time specified, it should provide for the forfeiture of the part payment and the resale of the lunka, and should state that such resale will be at the risk and loss of the first purchaser. It should further state that no one who has failed to fulfil the terms of a prior purchase will be allowed to bid, and that should he bid and make a part payment such payment will be forfeited.

OOTACAMUND, (Signed) JOHN MULLINS, Lieut.-Colonel, R.E.,
 25th August 1876. *Chief Engineer for Irrigation.*
 To the Secretary to Government, Public Works Department.

No. 85. ORDER THEREON, 7th September 1876, No. 2,385.

IRRIGATION, No. 11.

THE Government consider that, looking to the wording of the notice of sale published in the District Gazette, it

Proceedings of the Madras Government, Public Works Department,
7th September 1876. No. 2,385.

would be useless to bring an action. The conditions of sale should in future be carefully worded and no concessions as regards payment of deposit should be made.

(True Extract.)

Colonel,
Offg. Under Secy. to Govt., P.W.D.

To the District Engineer, Godavery.
" Chief Engineer for Irrigation.

172-W

From A.E. Godavery, No. 3776. 25th March 76.

To — do — " 2698. 6th April.

Petition dated 6th April 1876 from D. Ramiah with endorsement dated 16th May to District Engineer for report.

From D.E. — " No. 324-9 May 76

From — do — " 665. 7 June "

To — do — " 6698. 28th do "

From — do — " 1341. 12 August "

Note by the Chief Engineer for Irrigation

Encls. 22.

In the first of these communications the District Engineer asks for the sanction of Government to the institution of a suit for the recovery of Rspees 3325 from one D. Ramiah who bid for the Naddivani linka, and failing to fulfil the prescribed conditions of sale the linka was re-sold at a loss represented by the above amount.

2. It appears to the undersigned that the institution of a suit would

be needless, seeing that the notice of sale published in the District Gazette contains no intimation that in the event of the purchase being not completed the resale would be at the risk and loss of the first purchaser. Indeed, the penalty laid down is different, viz the confiscation of the deposit which not having been made there would seem to be no remedy. The Assistant Engineer who conducted the sale, believing D. Samiah, who had rented the bunkah the year before, to be a trustworthy person, allowed him a short time to fetch the deposit money, and the loss is the result of this concession which should not have been made. Unless D. Samiah was prepared then and there to deposit one fourth of his bid, the bunkah should have been sold to the highest bidder who was prepared to pay the requisite deposit.

3. D. Samiah should not be allowed to bid in future or to rent any of the bunkahs.

4. The notice of sale should for the future be much more carefully drawn up. It should require the payment of one fourth of the price at which each bunkah may be knocked down immediately on the highest bid being made and accepted. Failing the payment of the rest of the rent within the time specified it should provide for the forfeiture of the part payment and the resale of the bunkah, and should state that such resale will be at the risk and loss of the first purchaser. It should further state that no one who has failed to fulfil the terms of a prior purchase will be allowed to bid, and that should he bid and make a part payment such

payment will be forfeited.

Wendell M. Colburn
Chief Engineer for S.S.

Ratamund
25th August 1876

To
The Secretary to Govt. M.D.

ci-28-18-76 M.D. 7-9-76
O.H. Phil 50 Aug 7

P.W.D.

9776

1876 543

From
The Chief Engineer for Sarg
To
The Secretary to Govt
P. W. D.

Dated 25 August 1876.

Encls 22

N^o 172-W.

Vaddivairi Lunkah - Godavery
District - Note on the
sale of - and the loss
sustained by it.

N^o 84

E. I. Form No. 22.

2385

Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

UNDER date the 7th Sept 76

Read the following:-

Note by the Ch. Engr. & M. N. 172 & d. 25th August 76
for Sarg. & Encl. 22

The Government
consider that, looking
to the wording of the
Notice of Sale published
in the District Gazette,
it would be needless to
bring an action. The con-
ditions of sale should in
future be carefully worded
and no concessions as
regards payment of
deposit ~~should~~ should
be made.

By Secretary
C. R. for J. Finck 22 Encls

Dated 21/9/76

7

Note by the Chief Engineer for Irrigation
No. 2. dated 25 August 1876.

FOR ORDERS.

It would be useless to
bring an action. The
conditions of sale should
as directed in the Chief
Engineers Memo: be in
future carefully worded
& no concessions as regards
deposits made.

Columbiana Lt. Colonel
Joint Secretary to Govt. P.W.D.

B. H. 80/8

N^o 84/5

654318

Sob. of 1876 Madras.
PUBLIC WORKS.

To the W. & G. S. S. S.

Dated

Issued

Recd.

Encl.

G. O. of 1876, No. 2388

Nos. 82/5

Vaddivani Sankar,
Kodaverry St. —

Passing orders on note
by the Chhaya for Sankar
submitting certificate
on the subject of the loss
sustained by work by the
non-fulfilment of the
conditions by the bidder at
the rate of the —