

Pt No 59/2

Gobt. of (1882) Madras.
REVENUE.

B 1596 w 4/23rd June/82

Communicated
to Supty Engrs.

C₁


17.6.82

R/15/16

Order, dated 19th May 1882, No. 524.

N^o 1596 w 4/23rd June/82

10 SE

Very Obedt Servt

Compensation — for "subsequent" Inams in
Zamindari, taken up for public purposes.—Pay-
ment of —. Advocate-General's opinion as to
course to be adopted regarding —, communicated
to Revenue Board.

Supty Engrs.

Order



19TH MAY 1882, No. 524, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 18th November 1881, No. 2805:—

Read—the following letter from W. S. FOSTER, Esq., Collector of the Godáviri District, to the Secretary to the Board of Revenue, dated Cocanada, 4th October 1881, No. 296:—

In the Standing Orders of the Board of Revenue laying down the course to be followed in settling compensation for lands taken up for public purposes, I find no rule as to the treatment of subsequent Inams in the Zemindari and Proprietary villages.

2. To offer land in exchange for such Inams, there are these difficulties. The land taken up is sometimes so trifling that only money compensation is desirable. In other cases when the Inamdar is allowed the option of electing lands he is not unfrequently unable to select such as can be given to him. He fixes upon a Government zeroyati land in the occupation of a ryot and the latter then is forced to become the tenant of the Inamdar, which I do not like. The Inamdars and Proprietors are very slow in agreeing as to who should take the compensation money when ready money is sanctioned, and how it should be divided between them. In many cases the Inamdars want the compensation money to be paid to them, while on the other hand the Zemindars or Proprietors request that compensation by reduction of peshkash be made to them. For the purposes of compensation subsequent Inams have to be divided into two classes: 1st, those that can be resumed by the present Zemindar's successor, the present Zemindar having exercised rights of ownership by resuming them for a short time and giving them back with an enhanced quit-rent, thereby making the grant a new one and keeping their successor's right to resumption alive; and, 2ndly, those the Zemindar's right to resumption of which is barred by the law of limitation and can never in consequence be resumable, but their right of reversion still vests in the Zemindar. Considerable delay is also occasioned to find out which of the Inams fall in the first and which in the second category. I have therefore the honor to request the Board's instructions how the compensation should be settled in such cases.

Resolution—dated 18th November 1881, No. 2805.

Submitted for the orders of Government in continuation of Board's Proceedings, dated 24th October 1881, No. 2465.

2. In the case of Inams in Zemindaris granted subsequent to the permanent settlement, the best course appears to be to purchase from the Zemindar or other parties any land of equal value and grant it to the Inamdars. This will leave the relation between Zemindar and Inamdar in *statu quo*.

(A true Copy and Extract.)

(Signed) E. GIBSON,
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.
Collector, Godáviri District.

READ—the following letter from the Hon. P. O'SULLIVAN, Advocate-General, to the Acting Secretary to Government, Revenue Department, dated Madras, 18th April 1882:—

With reference to Official Memorandum, dated the 13th April 1882, No. 160, I have the honor to forward, on the other side, my opinion upon the question raised therein and to return the papers sent to me.

ENCLOSURE.

OPINION.

In the acquisition of land for public purposes under Act X of 1870, the Collector is bound by Section 9 of the Act to give notice that the Government intends to take possession of the land to the occupier and to all persons known or believed to be interested in the land, requiring them to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests. In the case of an Inam created subsequently to the permanent settlement by a Zemindar in respect of a part of the lands of a Zemindari, the notice would go to the Zemindar, the Inamdar, and the occupier. If the Collector and the persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award for the same; but if they do not agree, or if any person supposed to be interested does not attend before the Collector, or if, upon enquiry, any question respecting the title to the land or any right thereto or interest therein arise between or among persons making conflicting claims, the Collector is required to refer the matter to the Court. By Section 39, the Court is to determine, subject to appeal, the proportion in which the persons interested are entitled to share in the amount of compensation allowed, either when the question is referred by the Collector or when it arises in Court.

2. In case of a dispute arising between a Zemindar and an Inamdar as to the proportion of the amount allowed for compensation to which they are respectively entitled, the Court alone is authorised to decide the question, and not the Collector or the Government; and in deciding the question the Court would take into consideration whether the creation of the Inam was forbidden by law, whether the rights of the Zemindar to resume or assess were barred by the law of limitation or any other law, and whether the land was liable to increased assessment at the instance of the Zemindar or of the State.

3. Where there are conflicting claimants, or claimants having each some interest in the land, who do not agree as to the apportionment of the compensation, the only safe course for the Collector to take is to refer the question for the decision of the Court.

(Signed) P. O' SULLIVAN,
Advocate-General.

18th April 1882.

ORDER—dated 19th May 1882, No. 524, Revenue.

Miscellaneous.

The second of the papers read above will be communicated to the Board of Revenue, for information and guidance.

(True Extract)

(Signed) E. F. WEBSTER,
Acting Secretary to Government.

To the Board of Revenue,
Public Works Department.

Ed. W. H. French.

65 Copies.

Govt. of Madras
REVENUE.

Order thereon
No. 1596 w d/23rd June/82
Communicated
to Supg. Engineers

(True Extract)

sd/ A. J. Russell

Under Secy. to Govt.

P. W. H.

No. 1596 w d/23rd June/82

Communication — for "subsequent" Inams in
Zemindaris, taken up for public purposes — Pay-
ment of — Advance General's opinion as to
how to be adapted regarding —, communicated
to Revenue Dept.

19TH MAY 1882, No. 524, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 18th November 1881, No. 2805 :—

Read—the following letter from W. S. FOSTER, Esq., Collector of the Godáviri District, to the Secretary to the Board of Revenue, dated Cocanada, 4th October 1881, No. 296 :—

In the Standing Orders of the Board of Revenue laying down the course to be followed in settling compensation for lands taken up for public purposes, I find no rule as to the treatment of subsequent Inams in the Zemindari and Proprietary villages.

2. To offer land in exchange for such Inams, there are these difficulties. The land taken up is sometimes so trifling that only money compensation is desirable. In other cases when the Inamdar is allowed the option of electing lands he is not unfrequently unable to select such as can be given to him. He fixes upon a Government zeroyati land in the occupation of a ryot and the latter then is forced to become the tenant of the Inamdar, which I do not like. The Inamdars and Proprietors are very slow in agreeing as to who should take the compensation money when ready money is sanctioned, and how it should be divided between them. In many cases the Inamdars want the compensation money to be paid to them, while on the other hand the Zemindars or Proprietors request that compensation by reduction of peshkash be made to them. For the purposes of compensation subsequent Inams have to be divided into two classes: 1st, those that can be resumed by the present Zemindar's successor, the present Zemindar having exercised rights of ownership by resuming them for a short time and giving them back with an enhanced quit-rent, thereby making the grant a new one and keeping their successor's right to resumption alive; and, 2ndly, those the Zemindar's right to resumption of which is barred by the law of limitation and can never in consequence be resumable, but their right of reversion still vests in the Zemindar. Considerable delay is also occasioned to find out which of the Inams fall in the first and which in the second category. I have therefore the honor to request the Board's instructions how the compensation should be settled in such cases.

Resolution—dated 18th November 1881, No. 2805.

Submitted for the orders of Government in continuation of Board's Proceedings, dated 24th October 1881, No. 2465.

2. In the case of Inams in Zemindaris granted subsequent to the permanent settlement, the best course appears to be to purchase from the Zemindar or other parties any land of equal value and grant it to the Inamdars. This will leave the relation between Zemindar and Inamdar in *statu quo*.

(A true Copy and Extract.)

(Signed)

E. GIBSON,
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.

Collector, Godáviri District.

READ—the following letter from the Hon. P. O'SULLIVAN, Advocate-General, to the Acting Secretary to Government, Revenue Department, dated Madras, 18th April 1882:—

With reference to Official Memorandum, dated the 13th April 1882, No. 160, I have the honor to forward, on the other side, my opinion upon the question raised therein and to return the papers sent to me.

ENCLOSURE.

OPINION.

In the acquisition of land for public purposes under Act X of 1870, the Collector is bound by Section 9 of the Act to give notice that the Government intends to take possession of the land to the occupier and to all persons known or believed to be interested in the land, requiring them to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests. In the case of an Inam created subsequently to the permanent settlement by a Zemindar in respect of a part of the lands of a Zemindari, the notice would go to the Zemindar, the Inamdar, and the occupier. If the Collector and the persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award for the same; but if they do not agree, or if any person supposed to be interested does not attend before the Collector, or if, upon enquiry, any question respecting the title to the land or any right thereto or interest therein arise between or among persons making conflicting claims, the Collector is required to refer the matter to the Court. By Section 39, the Court is to determine, subject to appeal, the proportion in which the persons interested are entitled to share in the amount of compensation allowed, either when the question is referred by the Collector or when it arises in Court.

2. In case of a dispute arising between a Zemindar and an Inamdar as to the proportion of the amount allowed for compensation to which they are respectively entitled, the Court alone is authorised to decide the question, and not the Collector or the Government; and in deciding the question the Court would take into consideration whether the creation of the Inam was forbidden by law, whether the rights of the Zemindar to resume or assess were barred by the law of limitation or any other law, and whether the land was liable to increased assessment at the instance of the Zemindar or of the State.

3. Where there are conflicting claimants, or claimants having each some interest in the land, who do not agree as to the apportionment of the compensation, the only safe course for the Collector to take is to refer the question for the decision of the Court.

(Signed) P. O' SULLIVAN,
Advocate-General.

18th April 1882.

ORDER—dated 19th May 1882, No. 524, Revenue.

Miscellaneous.

The second of the papers read above will be communicated to the Board of Revenue, for information and guidance.

(True Extract)

(Signed) E. F. WEBSTER,
Acting Secretary to Government.

To the Board of Revenue.
Public Works Department.

Etd. W. H. French.

60 Copies.

Govt. of Madras
REVENUE.

Order thereon
No. 1596 w d/23rd June/82

Communicated
to Supg. Engineers

(True Extract)

Sd/- A. L. Russell

Under Secy. to Govt
P.W. W

No. 1596 w d/23rd June/82

Supg. Engineers

Order, dated 19th May 1882, No. 524.

Compensation — for "subsequent" Inams in
Zemindars, taken up for public purposes. — Reg-
ulation of —. Advance to Board's opinion as to
whether to be granted regarding —, communicated
to Revenue Board.

19TH MAY 1882, No. 524, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 18th November 1881, No. 2805:—

Read—the following letter from W. S. FOSTER, Esq., Collector of the Godavari District, to the Secretary to the Board of Revenue, dated Cocanada, 4th October 1881, No. 296:—

In the Standing Orders of the Board of Revenue laying down the course to be followed in settling compensation for lands taken up for public purposes, I find no rule as to the treatment of subsequent Inams in the Zemindari and Proprietary villages.

2. To offer land in exchange for such Inams, there are these difficulties. The land taken up is sometimes so trifling that only money compensation is desirable. In other cases when the Inamdar is allowed the option of electing lands he is not unfrequently unable to select such as can be given to him. He fixes upon a Government zeroyati land in the occupation of aryot and the latter then is forced to become the tenant of the Inamdar, which I do not like. The Inamdars and Proprietors are very slow in agreeing as to who should take the compensation money when ready money is sanctioned, and how it should be divided between them. In many cases the Inamdars want the compensation money to be paid to them, while on the other hand the Zemindars or Proprietors request that compensation by reduction of peshkash be made to them. For the purposes of compensation subsequent Inams have to be divided into two classes: 1st, those that can be resumed by the present Zemindar's successor, the present Zemindar having exercised rights of ownership by resuming them for a short time and giving them back with an enhanced quit-rent, thereby making the grant a new one and keeping their successor's right to resumption alive; and, 2ndly, those the Zemindar's right to resumption of which is barred by the law of limitation and can never in consequence be resumable, but their right of reversion still vests in the Zemindar. Considerable delay is also occasioned to find out which of the Inams fall in the first and which in the second category. I have therefore the honor to request the Board's instructions how the compensation should be settled in such cases.

Resolution—dated 18th November 1881, No. 2805.

Submitted for the orders of Government in continuation of Board's Proceedings, dated 24th October 1881, No. 2465.

2. In the case of Inams in Zemindaris granted subsequent to the permanent settlement, the best course appears to be to purchase from the Zemindar or other parties any land of equal value and grant it to the Inamdars. This will leave the relation between Zemindar and Inamdar in *statu quo*.

(A true Copy and Extract.)

(Signed)

E. GIBSON,
Acting Sub-Secretary.

To the Secretary to Government, Revenue De-
partment.
" Collector, Godavari District.

READ—the following letter from the Hon. P. O'SULLIVAN, Advocate-General, to the Acting Secretary to Government, Revenue Department, dated Madras, 18th April 1882:—

With reference to Official Memorandum, dated the 13th April 1882, No. 160, I have the honor to forward, on the other side, my opinion upon the question raised therein and to return the papers sent to me.

ENCLOSURE.

OPINION.

In the acquisition of land for public purposes under Act X of 1870, the Collector is bound by Section 9 of the Act to give notice that the Government intends to take possession of the land to the occupier and to all persons known or believed to be interested in the land, requiring them to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests. In the case of an Inam created subsequently to the permanent settlement by a Zemindar in respect of a part of the lands of a Zemindari, the notice would go to the Zemindar, the Inamdar, and the occupier. If the Collector and the persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award for the same; but if they do not agree, or if any person supposed to be interested does not attend before the Collector, or if, upon enquiry, any question respecting the title to the land or any right thereto or interest therein arise between or among persons making conflicting claims, the Collector is required to refer the matter to the Court. By Section 39, the Court is to determine, subject to appeal, the proportion in which the persons interested are entitled to share in the amount of compensation allowed, either when the question is referred by the Collector or when it arises in Court.

2. In case of a dispute arising between a Zemindar and an Inamdar as to the proportion of the amount allowed for compensation to which they are respectively entitled, the Court alone is authorised to decide the question, and not the Collector or the Government; and in deciding the question the Court would take into consideration whether the creation of the Inam was forbidden by law, whether the rights of the Zemindar to resume or assess were barred by the law of limitation or any other law, and whether the land was liable to increased assessment at the instance of the Zemindar or of the State.

3. Where there are conflicting claimants, or claimants having each some interest in the land, who do not agree as to the apportionment of the compensation, the only safe course for the Collector to take is to refer the question for the decision of the Court.

(Signed) P. O' SULLIVAN,
Advocate-General.

18th April 1882.

ORDER—dated 19th May 1882, No. 524, Revenue.

Miscellaneous.

The second of the papers read above will be communicated to the Board of Revenue, for information and guidance.

(True Extract)

John H. French
Acting Secretary to Government.

To the Board of Revenue.

Public Works Department.

Exd. W. H. French.

60 Copies.

W. H. French