

- (1) பக்கங்களின் எண்ணிக்கை 16
 (2) புதுக்கித் திருப்பிய நாள் 27-3-89
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 69

தமிழ்நாடு ஆவணக் காப்பகம்.

44A

தமிழ்நாடு அரசு

P.W.D துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	<u>1039</u>	அச்சகம் பலவகை
நாள் : <u>24-4-1884</u>		<u>198</u>

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

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8 sheet

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

READ—the following papers:—

From Lieutenant-Colonel H. R. MEAD, R.E., Superintending Engineer, VI Circle, to the Chief Engineer, Public Works Department, dated Trichinopoly, 18th March 1884, No. 2520 T.J.

I have the honor to inform you that, on receipt of a petition by me from the members of Punchayet of Sriavooshtheeswarasami temple at Tiruturaipundi, in the Tanjore district, bringing to notice that this department took possession of the Sarvamaniam tope, belonging to the temple, for building the district munsif's court, without the consent of the Davastanam committee, I referred it to the Executive Engineer for inquiry and report.

2. The Executive Engineer not being able to trace out any correspondence on the subject, I requested the Collector to inquire into the matter and to inform me of the result. The Collector, in reply, forwarded the Deputy Collector's letter, in which it is stated that the premises on which the munsif's court stands belong to the temple, and that the trustees pay the inam road-cess due on the site to Government.

3. The Deputy Collector further states that no arrangements were made for any rent or compensation since the building was erected, nor are there any records in the munsif's court on the subject.

4. The Collector is of opinion that, as the trustees have no power either to sell the land or give it out on a permanent lease, the land must be taken up under the provisions of the Land Acquisition Act on payment of compensation at Rs. 2 per guli, or about Rs. 260.

5. I therefore request that orders may be issued authorising the Collector to acquire the land under the Act, provided Government consider that the fact of the site having been occupied for years gives no claim to the land. The building was built about thirty-three years ago, fifteen years ago the compound-wall was put up and a ryots' shed erected. I should think that this long occupancy gave Government a right to the land, but of course no right to levy road-cess on the trustees of the pagoda. This irregularity has probably caused the claim now brought forward to be made.

No. 719 C., Public Works.

Referred to the Government Solicitor for opinion.

CHEPÁK,
22nd March 1884.

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Secretary to Government, P.W.D.

Letter from the Government Solicitor, Madras, dated 27th March 1884, No. 169.

ORDER—dated 24th April 1884, No. 1039 W., Public Works.

The Collector will be instructed, in the Revenue Department, to take steps for obtaining possession of the land under the Land Acquisition Act.

(True Extract.)

(Signed) J. SHAW-STEWART, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintending Engineer, VI Circle.
,, Revenue Department.

Exd. E. Fernandez.
Spare Copies

1039

2

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of (1884) Madras.

PUBLIC WORKS.

Dated April, 24th.

Recd.

Encl.

G.O., 24th April 1884, No. 1039 W.

APRIL.

Munsif's Court at Tiruturai-
pundi

The Collector of Tanjore to be instructed,
in the Revenue Department, to acquire the
site on which the — is built.

OFFICE OF THE SUPERINTENDING ENGINEER,

6TH CIRCLE.

Taichingpeth 18 March 1884.

No. 2520 T.T.

1039

From

The Superintending Engineer,

6th Circle.

To

The Chief Engineer

P. W. D.

Sir,

I have the honor to inform you that, on receipt of a petition by me, from the members of Panchayat of Sriavoortheeswarasami Temple at Tiruturai-pundi in the Tanjore District, bringing to notice that this Department took possession of the Sarvamaniam Sape belonging to the Temple for building the District Munsif's Court, without the consent of the Sarvastanam Committee I referred it to the Executive Engineer for enquiry and report.

2. The Executive Engineer not being able to trace out any correspondence on the subject, I requested the Collector to enquire into the matter and to inform me of the result. The Collector in reply forwarded the Deputy Collector's letter, in which it is stated that the premises on which the

Munsi's bouth stands belongs to the Temple,
and that the Trustees pay the Inam
Road Cess due on the site, to Government.

3. The Deputy Collector further
states that no arrangements were made
for any rent or compensation since the
building was erected, nor are there any
records in the Munsi's bouth on the subject.

4. The Collector is of opinion that,
as the Trustees have no power either to
sell the land or give it out on a perma-
nent lease, the land must be taken
up under the provisions of the Land
Acquisition Act on payment of compen-
sation at 2 Rs per Guli or about
Rs 260

I therefore request that orders
may be issued authorizing the Collector
to acquire the land under the Act, pro-
vided Govt consider that the fact of the
site having been occupied for years
gives no claim to the land. The
building was built about 33 years ago,
15 years ago the Compound Wall, was put
up and a Pyots shed erected. I should
think that this long occupancy gave
Government a right to the land but of
course no right to levy Road cess on

the Trustees of the Pozada, this irre-
gularity has probably caused the
claim now brought forward to be made.

I have the honor to be

Yours

1039

your most obedient servant.

M. M. M. — Secy. to
Supt Engineer, B. circle.

2506

P. W. D. 6TH CIRCLE.

From
The Superintending Engineer,
6th Circle.

To
The Chief Engineer
P. W. D.

No. 2520 T.J.

Dated 18th }
Received } March 1884.

Enclosure.

N^o 1039 W of 24th April

Munneiff's Court at
Tinturaimundi -

Requests for reasons
stated that the Collector
may be authorized to
acquire, under the Land
acquisition act, the site
on which the - was built,
which is said to belong to
the Temple at that place

Referred

103 Clupak
22nd March 84
N^o 719C

Referred to the
Government Solicitor
for opinion

Minist^r Mount
Col^l R^g
Secretary to Govt
P^u Deptt
20/3/84

To The Govt Solicitor
in original. (to be
The Govt Solicitor in original
to be returned)

N^o 169

Madras, 27th March 1884.

From Ernest Barclay, Solicitor
Government
Madras.

1039

To The Secretary to Government
Public Works Department.

Sir,

1. I beg to acknowledge receipt of your docket dated
22nd instant N^o 719C made on a letter dated 18th instant N^o 2520
T.J. from the Superintending Engineer 6th Circle.

2. The fact of the land referred to in the Superintending
Engineer's letter having been in the possession of Government for over
12 years would, prima facie, give Government a good title to the
land, as any claim for its recovery would be barred by the Law
of Limitation. But to give a person a title to land by lapse of
time, his possession of that land during the period prescribed by the
Limitation Act must be, what is called, an adverse possession. That is
he must not have recognized the right of the Claimant to the
land. Now this is, it seems to me, just what Government has
done, by accepting from the Trustees of the Temple to which the
land originally belonged, the Small Road cess payable in respect
of the land. By accepting payment of this road cess, which,
it appears from the Superintending Engineer's letter, has been
and is being paid to Government, Government has recognized
the Trustees as the owners of the land, and the possession by
Government of the land cannot therefore be considered an
adverse possession. I think therefore that it will be necessary to
take up the land under the Land Acquisition Act and to pay
compensation for it.

3. I return the Superintending Engineer's letter and
I am Sir

Yours obedient servant
Ernest Barclay
Government Solicitor

B. H. Adams
Clerk

PUBLIC WORKS DEPARTMENT.

No. 1039 W

1039

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

Read the following

From the Suptg. Engineer

VI. Circle - H.E. No. 2520 T.J. of 18 March 1884

Letter from the Government

Solicitor, Madras - 169 of 27 March 1884.



No. 1039 W of 24th April 1884

1039 W

The Collector will

be instructed in the Revenue Department to take steps for obtaining possession of the land under the Land acquisition act.

29/4

It is doubtful whether the collection of road cess by the Collector on behalf of the C.F. Board is an act of Govt. or would defeat it. S.E. VI. Circle adverse possession. But I think it is expedient.

Rev. Secy to raise the point. The Rev. Secy for counteracting.

CJ
28/3/84

28-3-84

7

Ans. 1/4/84

The Hon. H. C. Sullivan

1039



[Faint, mostly illegible handwritten text, possibly a letter or report.]

[Faint, mostly illegible handwritten text, possibly a letter or report.]

Rec'd. 3/14.
Arc: 1/4/84

Issued
1/4/84

6

1039

8

2506

1884 28/10

Gobt. of Madras.

PUBLIC WORKS.

17/5

Dated

Recd

Recd

G.O. 24 April 1884 No. 1039

Nos

Munsiff's Court
at Tirumala

The Revenue Collector of
Tanjore to be instructed
in the Revenue Dept
to acquire the site
on which the
is built which is said
to belong to the temple
there.

60
n

Sd/-
Sd/-

400 24/4

400 24/4