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(2) Date of repair 19.7.88

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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P. W. D. DEPARTMENT

G.O. No.	1878-W	Press.
B.P. No.		Mis.
Dated	2-8-1884	197.

Not to be folded or roughly handled

57-
2ND AUGUST 1884, No. 1878 W., PUBLIC WORKS.

1878

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

and—the following paper:—

Proceedings of the Board of Revenue, dated 4th July 1884, No. 2283.

ABSTRACT.—Recommending to Government the publication in the *Fort St. George Gazette* the notification for the acquisition of land near the Harbour Works, and that the Deputy Collector of Madras be authorised to perform the functions of a Collector under the Act and take order for the acquisition of the land.

No. 3223, Revenue.

Transferred to the Public Works Department.

OTACAMUND,
4th July 1884.

(Signed) H. E. STOKES,
Secretary to Government.

ORDER—dated 2nd August 1884, No. 1878 W., Public Works.

Ordered that the notification be published in the *Fort St. George Gazette*. The Deputy Collector of Madras is hereby authorised to perform the functions of a Collector under Act X of 1870, and to take order, in accordance with the provisions of the Act, for the acquisition of the land specified in the notification.

(True Extract.)

Major, R.E.,
Under Secy. to Govt., P.W.D.

Superintendent, Government Press, with notification.
Superintendent, Madras Harbour Works.
Revenue Department.

A. F. Aaron.
Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of (1884) Madras.

PUBLIC WORKS

Dated Augus, 2nd.

Recd.

Encl.

G.O., 2nd Aug. 1884, No. 1878 W.

AUGUST.

Land

*Ordering the formal acquisition of a piece
of — at Tondiarpet, Madras, for the Madras
Harbour Works.*

BOARD OF REVENUE, 23RD OCTOBER 1883, No. 3180.

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following letter from J. B. PENNINGTON, Esq., Acting Collector of Tanjore, to the Secretary to the Board of Revenue, dated Vallam, 18th September 1883, No. 5513 :—

With reference to the Proceedings of the Board of Revenue, dated the 9th May 1882, No. 1282, communicating G.O., dated the 15th April 1882, No. 383, I have the honor to submit a case for orders, in which neither the provisions of the Land Acquisition Act nor private purchase can be resorted to for the acquisition of the land in question. The facts of the case are as follows :—

2. At the request of the Executive Engineer, Tanjore division, the Deputy Collector was called upon to settle compensation for land taken up by the Department of Public Works for closing the Nanjamanar breach, &c., in the Tanjore taluk. He reports that the land belongs to one Mangalanayakiamman temple and that the trustee thereof agrees to part with the land on receipt of compensation.

3. The land having been already taken up, the provisions of the Act were not resorted to. But, as the trustee has no power to sell the land, I am unable to acquire it by private purchase, and I therefore request the orders of the Board on the subject.

Reference on the above, dated 15th October 1883.

The Government Pleader is requested to advise the Board as to how a title can be secured for the land in question.

(Signed) E. GIBSON,
Acting Secretary.

To the Government Pleader, Madras,
with letter from the Collector of Tanjore, in original, to be
returned, and copy of Board's Proceedings, dated 9th May 1882, No. 1282.

READ—the following letter from H. H. SHEPHARD, Esq., Government Pleader, Madras, to the Secretary to the Board of Revenue, dated Madras, 16th October 1883, No. 361 :—

With reference to the Proceedings of the Board of Revenue noted in the margin, Dated 15th October 1883, No. 6784 of 1883. I have the honor to say that if it were impossible to proceed under the Act X of 1870, and there were no one capable of conveying the land to Government, I should be at a loss to know in what manner Government could acquire a valid title.

2. It appears to me, however, that action may still be taken under the Act, and I would recommend that the course prescribed by it be followed as it would have been if the land had not already been taken possession of by Government.

3. I return the papers.

RESOLUTION—dated 23rd October 1883, No. 3180.

The Government Pleader's letter will be communicated to the Collector for information and guidance.

(True Copies and Extract.)

(Signed) E. GIBSON,
Acting Secretary.

To the Collector of Tanjore.
" Government Pleader.

Exd. A. Raiff.

1883.
Board of Revenue,
MADRAS.

Printed November 5th

Proceedings, 23rd October 1883, No. 3180.

Communicating to the Collector of Tanjore
opinion of the Government Pleader in the
matter of acquisition of certain land under Act X
of 1870.

1878

From E. BARCLAY, Esq., Government Solicitor, to the Collector of Madras, dated Madras,
26th June 1883, No. 320.

I beg to acknowledge receipt of your letter of the 22nd instant, No. 690, with its
enclosure.

2. From the cadjan instrument enclosed in your letter under reply, and which instrument
purports to be a deed of transfer, dated 10th January 1827, from Narraina Naicker to the
charity of Nagore Meerah Sâhib Moideen Andova of a piece of land measuring two grounds,
one by way of gift and the other on sale, there seems to be no doubt that the ground was trans-
ferred to the charity. The boundaries of the land are, according to the cadjan instrument, as
follows:—*North*, Casimadoo; *South*, Narraina Naicker's own land; *East*, the Sea, and *West*, a
Street. As the erosion of the coast from the Harbour Works is of comparatively recent date, I
should think a survey map of Madras made before that erosion took place would show whether
there was a piece of land measuring two grounds within the above boundaries, and whether such
land bore Survey No. 1030 (or a number corresponding with land in the Survey Register) in
Muhammad Fakeer Sâhib's name, and it can easily be seen whether such land has been washed
away.

3. If the above particulars are ascertained, it may fairly be assumed that the land in the
cadjan instrument was land which belonged to the charity, and the only remaining question
will be whether the present claimants are the persons to whom the money should be paid. As
to this I should not be inclined to rely merely on the statement of the claimants, though cor-
roborated by the Quit-rent Conicopillay, that the former have been paying quit-rent on the land
since Muhammad Fakeer Sâhib's death. The claimants should produce their quit-rent receipts,
from which, together with the survey map, it may be possible to identify the land with that
comprised in the cadjan instrument. I think it would be as well also if you were to make some
inquiries as to the fact of the claimants being the wardens of the charity.

4. I observe that, in the extract from the Survey Register enclosed in your letter under
reply, the number of the land in map or survey is given as 3013 and not 1030. Further informa-
tion might, I should think, be obtained from the Certificate No. 88 under which the land was
apparently held, and copy of which is no doubt in the Deputy Collector's Office. At present I
am not prepared to advise that the title of the claimants is made out, but very possibly it may be
on further inquiry.

5. I return the enclosures to your letter under reply.

From E. BARCLAY, Esq., Government Solicitor, to the Collector of Madras, dated Madras,
18th October 1883, No. 551.

With reference to the correspondence between yourself and the Deputy Collector of Madras,
copies of which were forwarded with your memorandum, dated 11th instant, No. 1074, I have to
report that, in my opinion, the claim to the land said to belong to the charity of Nagore Meerah
Sâhib Moideen Andova has not been established any further than when I wrote my letter of
23th June last, No. 320. The cadjan document is produced by the claimants as representing their
title to the land, which I understand they allege to be land having Survey No. 3013, but the
Deputy Collector in his letter of 2nd instant, No. 816, says that the boundaries in the cadjan
document do not agree with the boundaries of Survey No. 3013, for which compensation is
sought. The Deputy Collector further says that the identification of the land, as given in the
cadjan document, is not possible now.

2. I have perused the statements made by the claimants and their witnesses, but they do
not carry the case any further. It is certainly a curious circumstance that the claimants should
have no quit-rent receipts, though they allege that they have paid quit-rent in respect of the land
they claim for years, and are said to be supported in this statement by the Quit-rent Conicopillay.
The absence of the quit-rent receipts is totally unaccounted for, the claimants simply say they
have not got them.

3. I cannot, under all the circumstances of the case, advise that the title of the claimants
has been established to the land.

4. I return the statements of the claimants and their witnesses.

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—again the following Proceedings of the Board of Revenue, dated 19th June 1884, Mis. No. 5482 :—

Read—the following letter from C. D. MACLEANE, Esq., Acting Collector of Madras, to the Secretary to the Board of Revenue, dated 9th April 1884, No. 104 :—

I have the honor to request that the Board will be pleased to obtain the sanction of Government for acquiring under the provisions of "the Land Acquisition Act, 1870," the land entered as No. 18 in the list embodied in G.O., No. 601 W., dated the 8th March 1882.

2. Hyathmeyah Sáhib, Buddoo Meyah Sáhib, Arab Pylewan Sáhib, and Raheman Sáhib claim the land referred to as Dharmakurthas (Church trustees) of the Nagore Meerah Charity to which they say the property belongs, but the Government Solicitor, who was consulted with reference to G.O., No. 383, dated 15th April 1882, communicated with the Board's Proceedings, No. 1282, dated the 9th May 1882, states that he cannot advise that the title of the claimants to the land has been established. Under these circumstances, it is necessary to have recourse to the provisions of the Act to acquire the land.

Reference on the above, dated 22nd April 1884.

The Collector is requested to submit a draft notification for publication in the *Fort St. George Gazette*.

(Signed) E. GIBSON,
Secretary.

To the Collector of Madras.

Read—the following letter from J. LEE-WARNER, Esq., Acting Collector of Madras, to the Secretary to the Board of Revenue, dated 10th May 1884, Reference on No. 418 :—

In regard to the Board's reference on General Register No. 2897 of 1884, I have the honor to observe that the land, the subject matter of correspondence, is now buried under the sea, and as the property is no longer identifiable, it would seem to me that the procedure to be taken under the Land Acquisition Act of 1870 cannot apply. In requesting the Board's orders on this view of the matter, I should also remind you that the Government Solicitor's opinion of the claim raised was most unfavorable to the claimants; in fact, he advised that the claimants had not established a title. Under the circumstances, I think it would be right to strike the claim off the list.

Reference on the above, dated 29th May 1884.

The Collector is requested to forward a copy of the Government Solicitor's opinion in the matter.

(Signed) E. GIBSON,
Secretary.

To the Collector of Madras.

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2 BOARD OF REVENUE, 4TH JULY 1884, No. 2283.

Read—the following letter from C. F. MacCARTIE, Esq., Acting Collector Madras, to the Secretary to the Board of Revenue, dated 5th June 1884, Reference on No. 173 G. and B. :—

In reply to reference on General Register No. 3643, dated 29th May 1884, have the honor to forward copy of the Government Solicitor's opinion there referred to.

ENCLOSURES Nos. 1 and 2.—Letters from the Government Solicitor.

Resolution—dated 19th June 1884, Mis. No. 5482.

The Land Acquisition Act may, the Board consider, be applied in this case as land may still be described by its former boundaries, &c. The application of Act to cases in which land has been already taken up has been declared unobjectionable—vide Board's Proceedings, dated 23rd October 1883, No. 3180.

(True Copies and Extract.)

(Signed) E. GIBSON,
Secretary.

To the Collector of Madras.

READ—also the following letter from C. F. MacCARTIE, Esq., Acting Collector Madras, to the Secretary to the Board of Revenue, dated 21st June 1884, Reference on No. 244 G. and B. :—

With reference to the correspondence noted in the margin, I have the honor to forward the enclosed draft notification relating to the land therein referred to and to request that it may be transmitted to Government for publication in the *Fort St. George Gazette* after approval.

2. I beg also that the Board will be pleased to move Government to invest Deputy Collector of Madras with the powers of a Collector under "the Land Acquisition Act of 1870" for the purpose of acquiring the land in question.

ENCLOSURE No. 1.

NOTIFICATION.

PUBLIC DEPARTMENT.

Under the provisions of Act No. X of 1870, the Governor in Council of Fort St. George hereby declares that the piece of land situate in the village of Tondiarpet, in the District of Madras, as follows—

Locality.	Description of Property.	Uncertificated Bill No.	Survey No.	Boundaries.	Area.
1. Tondiarpet, Coop- pam Street.	Land only.	88	3013	North—by street. South—by Manavala Iyer's land. East—by do. West—by Coop- pam Street.	c. 6 0 1
Total ..					0 1

containing by a recent admeasurement one ground and one thousand eight hundred and six square feet be the same little more or less, and being the piece of land particularly described and described in the plan kept for inspection at the office of the Deputy Collector for the District of Madras, is needed for a public purpose, viz., the Madras Harbour Works.

RESOLUTION—dated 4th July 1884, No. 2283.

Submitted to Government with the Board's recommendation that the notification be ordered to be published in the *Fort St. George Gazette*, and that the Deputy Collector of Madras be authorized to perform the functions of a Collector under the Act, and to take order for the acquisition of the land.

(True Copies and Extract.)

(Signed) E. GIBSON,
Secretary.

To the Secretary to Government, Revenue Department,
with copy of Board's Proceedings, 23rd October 1883, No. 3180,
and Government Solicitor's letters.

Copy to the Collector of Madras.

Exd. W. J. Lewis.



Revenue (1884) Department
No. 4651

REVENUE DEPARTMENT.

1884.

Board of Revenue,
MADRAS.

his. No. 3223

Transferred to the Public

Works Department

Ootacamund

28th July 1884

H. G. G. G.

Secy to Govt.

Printed July 16th.

Rev 2/8/84

Proceedings, 4th July 1884, No. 2283.

Recd. 17th July 1884

8.1

No. 1878W Apr-5-84

Recommending to Government the publication in the Fort St. George Gazette of the notification for the acquisition of land near the Harbour Works, and that the Deputy Collector of Madras be authorized to perform the functions of a Collector under the Act and take order for the acquisition of the land.

O.L.S. 138/7

Transferred

1878

H. G. G. G.
clworky

No. 1878W P.W. Department

Proceedings of the Madras Government.

under date the 2nd Aug/84

Read the following:

Pros. of the Board of Revenue No. 2283 d/4th July/84.

Encl. thereon by the Rev. Sept. — 3223 d/28th July/84.

Ordered that the

notification be published in the Fort St. George Gazette. The Deputy Collector of Madras is hereby authorized to perform the functions of a Collector under Act X of 1870, and to take order in accordance with the provisions of the act for the acquisition of the land specified in the Notification.

Supt. of the Gazette Press
(with notification)

Supt. M. H. Works

Revenue: Sept.

(The Rev. Secy. for favor of counterinitials)

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21/8/84

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30.7.84

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Gobt. of (1884) Madras.

PUBLIC WORKS.

(7)

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Dated

Recd.

Encl.

G.O. 2 August 1884, No. 18784

Ordered
by the ^{General} ~~the~~ ^{acquisition}
of a piece of —
at Tondurpet, in order
to be used for the m. w.
works.

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