

Q-6120934. 7. 9. 83

2362 v 14. 4. 86.
3070 v 21. 12. 85.
2093 v 7. 9. 85.

P.W.C. No 7042

P.W.C. No 8574

of

B

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E.

18

of

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Recorded.

2. The Govt. solicitor

has already stated

that a suit against

Mr. Brown cannot

be filed until the

property has been

taken up under the

Act, and the compen-

sation paid as those

facts must form

part of the cause of

action.

The Chief Engineer

P.W. Department

Dated 2nd } November 86.
Recd }

No. 417
EW

Inclo: 1.

Mr. Brown's property
at Vayitri.

Forwards for in-
formation copy of
Malabar Collector's
letter regarding the
acquisition of—

4/11/86

4/11/86

P. E. I. C. S.

Govt. solicitor

4-11-86

10/11

4372-127/89

N. 398.

Madras 29th September 1885

From

Ernest Barclay
Government Solicitor,
Madras

To

The Executive Engineer
Mar Coast Division

Sir,

1. I beg to acknowledge re-
ceipt of your letter of the 22nd Inst.
N. 822.

2. The G.O. to which you refer
says that the acquisition of the
land at Vagiri under the Land
Acquisition Act will involve the
payment of the Compensation -
awarded under the act to the per-
sons found to be entitled thereto and
the Superintending Engineer is di-
rected, in communication with
me to institute a suit against

Dr. L.

Mr. Brown to compel him to re-
fund the purchase money and
the amount of ^{the} damages result-
ing to Government. Until the land
has been taken up under the act
and the compensation been paid,
I am unable to furnish you with
a draft of the plaint to be filed
against Mr. Brown as the facts
of Government having to take up
the land and to pay compensa-
tion after having paid the
purchase money to Mr. Brown will
form part of the cause of action
against him.

3. As soon as the acquisition
and payment have been comple-
ted I should be informed.

Yours
J. Ernest Barclay
Govt. Solicitor

210

No. 851 West Coast Division Office
Calicut 2^d October 1885
From
The Executive Engineer,
West Coast Division
To
The Collector of
Malabar.

Sir, In forwarding G.O. No.
2093 W. of 7th September 1885, I
have the honor to request you
will be good enough to take the
necessary steps for acquiring
under the Land Acquisition Act
Mr. Brown's property at Pookote,
Vayitri, therein referred to.

Yours &c.
S. Srinivasachari
Executive Engineer

210

N^o. 365

West Coast Dist. Office
Calcutta 10th May 1886

From

The Executive Engineer
West Coast Division

To

The Collector of Malabar.

Sir,

Adverting to para 2 of
G.O. N^o. 3078 W of 21st December
1885, I have the honor to request
you will be good enough to in-
form me as to the steps taken
in acquiring the land for
quarters of the P.W. Subordinates
employed on the Wynaad Roads.

I have &c
Edw. S. Taylor
Executive Engineer

Proceedings of the Deputy Col-
lector Wynaad - Dated the
29th May 1886.

Indoch
P.N. 7044/86

Read Notice under Section 10
Act X of 1870 issued to Mr
H. W. Brown

Read reply thereto from
Mr. H. W. Brown dated 26th Feb.
ruary 1886 (copy enclosed)

Read statement taken from
Mr. H. W. Brown this 29th day
of May 1886

I value the property as in
Plan A (with record) at the
sum of Rs Four thousand and
five hundred, and from Mr.
Brown's statement there ap-
pears no incumbrances thereon.

I have thereby this day
taken possession of the said
land on behalf of the Govern-
ment of Madras under Sec-
tion 16 Act X of 1870.

Edw. W. E. Underwood
Dy Collector

No.

DO. 2261

True copy forwarded
with copy of Mr. A. W. Brown's
statement, to the Executive En-
gineer, West Coast Division with
reference to his letter dated 10th
May 1886 No. 365.

Calicut }
June 7, 86 }
of B. Kunhikamman
for collector.

Examination of Mr. A. W. Brown
before the Deputy Collector, Wynad
the 29th day of May 1886.

I see the plan now produced;
it is a correct survey of the
land consisting of 2 acres
32 sold by myself to the
Government with the buildings
marked

marked on plan for the sum
of Rs. Four thousand and five
hundred which amount I
agreed to accept for the said
property that as stated in
my letter in reply to your
notice of the 22nd January 1886
under Section 10 Act X of 1870.
The property in question be-
longs in equal shares to my
mother whose attorney I am
and myself.

Messrs. Oakes and Co. Madras
have a secondary mortgage
on my half share only, but I
understand from them that
they have not and will not in-
terfere.

Besides, the Government have
been in occupation of the
said property for the last
three years and over.

I

Have received in payment
from Government in full Rupees
Four thousand and five hundred
which is the value of the property
demanded by myself.

There is no objection to the
Government taking over the
property under Act X of 1870.

sd/ H. W. Brown

Before me the 29th day of
May 1886.

sd/ E. Underwood
Deputy Collector.

(True copy)

sd/ C. Kumbhikannan
for Collector.

No

No. 473

West Coast Divⁿ Office,
Calicut 10th June 1886.

From

The Executive Engineer
West Coast Division

To

The Government Solicitor
Madras

Sir

With reference to para 3
of your letter No. 398 of 29th Sep-
tember 1885, I have the honor to
forward copy of the Proceedings
of the Deputy Collector Wynad
dated 29th May 1886 together with
a deposition of Mr Brown on
the subject of acquiring his land
at Vayitri and to request you
will be good enough to take the
necessary steps towards the re-
fund of the purchase money
as per G.O. No. 2093 W of 7th Septem-
ber 1885.

I

Encl. 3
P.H. 7042/86

I have the
hon. of Mr. S. Taylor
Executive Engineer.

No. 258.

Madras 17th June 86

From
William Morgan
Ag. Govt. Solicitor,
Madras.

To
The Executive Engineer
West Coast Division

Sir. I have the honor to acknowledge receipt of your letter No. 473 dated 10th June 1886 forwarding copy of the Proceedings of the Deputy Collector Wynnaad dated 29th May 1886.

2. From these Proceedings I am not able to gather whether any and what Compensation for

for the property taken up under the Land Acquisition Act has been paid to the parties found to be entitled to same.

3. Did Messrs. Baker & Co. as mortgagees in respect of a portion of the property in question have any notice of the Proceedings under the Land Acquisition Act?

4. The suit should not be filed until the amount of Compensation has been awarded and paid, please therefore let me know whether this has been done.

I have the
hon. of William Morgan
Ag. Govt. Solicitor
for E. H. Burton

Yr.

No. 530

West Coast Div. Office
Calcutt 25th June 1886

From

The Executive Engineer
West Coast Division

To

The Collector of Malabar.

Sir

I have the honor to forward a copy of letter No. 238 of 17th June 1886 received from the Government Solicitor, Madras, and to request you will be good enough to let me know what compensation will have to be paid to the owners of the property taken up by the Deputy Collector of Wynnaad with reference to his Proceedings of 29th May 1886 copy of which was communicated to me in your

enc.

Sub: 2

No. 7042/86

endorsement No. 2261 of 7th June 1886 and did Messrs. Cakes and Co have any notice of the Proceedings under the Land Acquisition Act.

Yours &c.

H. S. Taylor
Executive Engineer

No. 758

West Coast Div. Office
Calcutt 18th August/86

From

The Executive Engineer
West Coast Division

To

The Collector of Malabar

Sir

I have the honor to invite your attention to my letter No. 530 of 25th June 1886 and to request you will be good enough to favor me with an early reply

on is

on the subject of compensation
to be paid to Mr. Brown for
his property taken up by the
Deputy Collector of Wynaad.

Have &c
of A. S. Taylor
Executive Engineer

(True Copies)

Executive Engineer
West Coast Division

441

G.O. No: 2042 Wd/13-8-86.
O. I. Statement of IV Circle for
May 1886

Item No. 1. Purchase of Mr. Brown's
property for a Telegraph Office,
Vayitri.

Order The S. E. will report for
orders if there is any difficulty
in acquiring the property in
question under the provisions
of the Land Acquisition Act
as directed in para 4 of G. O.
No: 2093 Wd/7 September 1885.

N: 343
E. W. Superintending Eng'rs Office, 4th
Coimbatore, 8 September, 1886.

From,

The Superintending Engineer,
IV Circle.

To,

The Chief Engineer,
P. W. Department.

Sir,

Enclosures.

1. Set of Correspondence.
- mee.

With reference to G.O. No.
2042 of 13th July 1886, Item No. 1.

I have the honor to forward
herewith for your information
copies of correspondence showing
the steps taken for acquiring Mr.
Brown's property at Vayitri under
the provisions of the Land Acquisi-
tion Act.

2. It will be seen that the
Collector has not yet reported
whether any, and if so what,
Compensation will have to be
paid.

3. The Government solicitor
is

is still waiting to be informed
that the Land in question has
been taken up, and compensation
therefor completed and paid;
and he states that "the suit
should not be filed until the
amount of Compensation has
been awarded and paid."

I have the honor to be,

Sir,

Your most obt. servt.

J. Beatty. Colonel, R.E.

Superintending Engineer.

JB

Q. 612093 W. 7. 9. 85
2 30784 W. 21. 12. 83.

No 2362 W. 17. 9. 86

Recorded

The results of the
E. E's letter No 758 of
18-8-86 to the address
of the Collector should
be reported

It is now more
than a year since
orders were passed on
this case. and the
good trust that officers
concerned will endeavor
to bring it to
an early settlement.

CM
11/9/86

La
13/9/86

S E IV 65/9
17. 9. 86

11. 9. 86

Encl
15/9/86

Post
20/9/86

Encl

(20)
From
The Supg. Engineer.
4th Circle.

To
The Chief Engineer.
P. W. Department.

Dated 8th }
Received 10 } September 1886.

No 343
C. W.

Enclosures 4

No 2362 W. 17. 9. 86

Mr. Brown's property at
Vajitri—

Submits for informa-
-tion Copies of correspondence
on the subject of acquiring
— under the Land ac-
-quisition act.

No 4503

Malabar Collectors Office
Calicut 15th October 1886.

From
The collector of
Malabar

To
The Executive Engineer,
West Coast Division,
Calicut

Sir,

With reference to your communi-
-cation No. 895, dated 4th instant, and
in continuation of mine, No. 4155
dated 24th ultimo, I have the honor
to state that, as the Government
Solicitor is of opinion that the
award made by the Dy. Collector
Wynad, is ultra vires on the grounds
that, all the persons known to be
interested in the property had
not received notice of the institution
of proceedings under the act, I
have

have requested the Deputy Collector
to proceed de novo in strict accord-
-ance with the procedure laid down
in the Land Acquisition Act.

The result of the Dy. Collector's
proceedings will be, duly communi-
-cated to you on receipt. In the
meanwhile I do not see why pro-
ceedings against Mr. Brown should
not be initiated by the Superintending
Engineer and Government Solicitor
in the manner directed by Govern-
-ment in para 4 of G.O., dated
7th September 1885, N^o 2093 W, Public
Works.

I have, &c.,
Signed A. M. Winterbotham
A. Collector.

/True copy/

L. Beatty. Col. R.E.,
Supg Engineer, 4th Circle.

Supg. Engineers Office, 4th Circle
Camp Supatore 2^d Novr 1886

N^o 417
2W.

From
4/11/86

The Supg. Engineer,
Fourth Circle.

To

The Chief Engineer
P. W. Department.

Encls: 1
1 Letter.

Sir,
In continuation of this Office
letter N^o 343 of 8th September 1886,
I have the honor to forward for in-
-formation, copy of the last letter from
the collector on the subject of Mr.
Brown's property, at Vayitri.

I have the honor to be,
Sir,

Your most obedt. servant
L. Beatty. Col. R.E.,
Supg. Engineer 4th Circle