

- (1) பக்கங்களின் எண்ணிக்கை 14
 (2) புதுக்கித் திருப்பிய நாள் 6-88
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 10/8

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P. W. D. துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	1184 W	அச்சகம் பலவகை
நாள் :	20-4-88	198

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

A.K

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Military Works.

READ—the following letter from E. BARCLAY, Esq., Government Solicitor, Madras, to the Secretary to Government, Public Works Department, dated Madras, 13th April 1888, No. 208 :—

With reference to G.O., Public Works Department, dated 24th February last, No. 663 W., Public Works, I beg to inform you that Mr. C. V. Cunniah Chetty has sent me what he says are the title-deeds of the land near the Gun Carriage Factory which Government propose to purchase. The title-deeds read with the records of the suit in the High Court brought by Mr. Cunniah Chetty when an infant against the executors of his late father's will show a satisfactory title to the land in Mr. C. V. Cunniah Chetty, provided the title-deeds do relate to the land Government propose to buy, but I have been so far unable to check this for want of the plan asked for in my letter of 9th March last, No. 145. This plan should show the boundaries of the property.

2. Mr. Cunniah Chetty's agent who brought me the title-deeds pointed out to me that amongst them there is a mortgage of this with other property by Mr. Cunniah Chetty to K. Sambasivah Chetty and K. Sadasivah Chetty of Pondicherry, and the agent informed me that these mortgagees would join in the conveyance of the property to Government. I shall, however, if necessary, write to the Registrar of Assurances here to search for any other incumbrances or any other registered instruments relating to the property.

3. Supposing that there are no other incumbrances on the property, another question arises as to Mr. Cunniah Chetty's right to sell this property if he has an infant son. The property is undoubtedly ancestral, as it came to Mr. Cunniah Chetty from his father who obtained it, apparently, by descent from his father Collah Ragavah Chetty, to whom it was conveyed by deed of 20th August 1822. As a general rule a Hindu father who has not entered upon division of property with his sons cannot alienate immovable property, whether ancestral or self-acquired, without the concurrence of his sons, and it appears to me that if Government purchase this property it would be open to Mr. Cunniah Chetty's sons (and I am informed that he has two at any rate boys from 3 to 6 or 7 years of age) when they come of age or even before to upset the sale at any rate as to two undivided thirds of the property if not as to the whole. Of course it may be said that the sale is made for the purpose of paying off the mortgage on it and is therefore justified according to Hindu Law, but the answer to that is that the mortgagees are not, so far as appears, pressing for the money; that it is the duty of the head of the family to pay off the debts out of income rather than to alienate; and that there is no family necessity which requires the sale. Apparently, indeed, the negotiations for the purchase commenced with Government and not with Mr. Cunniah Chetty.

4. It might therefore be as well to consider whether it would not be safer for Government to take up the land under the Land Acquisition Act than by purchase. Mr. Cunniah Chetty might be offered as compensation the present price less 15 per

cent., and at the same time be informed that he will be entitled to that 15 per cent. in consequence of Government taking up the land. If this course as to the 15 per cent. were not adopted, Government might have to pay Rs. 41,625 *plus* 15 per cent. thereon.

5. Awaiting the orders of Government, I have, &c.

ORDER—dated 20th April 1888, No. 1184 W., Public Works.

Under the circumstances explained by the Government Solicitor, the Government approve of the land in question being taken up under the Land Acquisition Act on the terms specified in paragraph 4 of the letter recorded above.

2. The Collector of Madras will take the requisite steps for acquiring the land accordingly.

3. The Superintending Engineer, V Circle, will furnish the Collector with a plan of the land with the boundaries correctly marked thereon.

(True Extract.)

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

To the Collector of Madras, with G.O., No. 3441 W., dated 16th December 1887,
and G.O., No. 663 W., dated 24th February 1888.

" Government Solicitor.
" Superintending Engineer, V Circle.
" Military Department.
" Revenue "

Exd. S. J. Pereira.
Spare Copies

2/1184

BUILDINGS AND ROADS.
MILITARY WORKS.

Govt. of (1888) Madras.
PUBLIC WORKS.

Dated April, 20th.

Recd.

Encl.

G.O., 20th Apr. 1888, No. 1184 W.

APRIL.

Land

Orders regarding the acquisition of certain
— required for a coal store and certain
ordnance buildings at Madras under the
Land Acquisition Act.

No 208



From,

Ernest Barclay

Government Solicitor,

Madras.

To,

The Secretary to Government,

Public Works Department,

Ootacamund.

Sir,

I With reference to G.O. P.W. Department, dated 24th February last No 663 W. Public Works, I beg to inform you that Mr C V Gammiah Chetty has sent me, what he says are, the title deeds of the land near the Gun Carriage Factory which Government propose to purchase. The title deeds, read with the records of the suit in the High Court brought by Mr Gammiah Chetty, when an Infant, against the Executors of his late father's Will, show a satisfactory title to the land in Mr C V Gammiah Chetty, provided the title deeds do relate to the land Government propose to buy; but I have been, so far, unable to check this for want of the plan asked for in my letter of 9th March last, No 145. This plan should show the boundaries of the property.

2 Mr Gammiah Chetty's Agent who brought me the title deeds, pointed out to me, that amongst them, there is a mortgage of this, with other property by Mr Gammiah Chetty to K

Sambasivah Chetty and K Sadasivah Chetty of Pondicherry, and the Agent informed me that these mortgagees would join in the conveyance of the property to Government. I shall however, if necessary, write to the Registrar of Assurances here to search for any other incumbrances or any other registered instruments relating to the property.

3 Supposing that there are no other incumbrances on the property, another question arises as to Mr Gummiah Chetty's right to sell this property if he has an infant son. The property is undoubtedly ancestral, as it came to Mr Gummiah Chetty from his father who obtained it, apparently, by descent from his father Collah Ragavah Chetty, to whom it was conveyed by deed of 20th August 1822. As a general rule a Hindu father, who has not entered upon division of property with his sons, cannot alienate immoveable property, whether ancestral or self acquired, without the concurrence of his sons - and it appears to me that if Government purchase this property it would be open to Mr Gummiah Chetty's sons (and I am informed that he has two, at any rate ^{by} from 3 to 6 or 7 years of age) when they come of age, or even before, to upset the sale at any rate as to two undivided thirds of the property if not as to the whole. Of course it may be said that the sale is made for the purpose of paying off the mortgage on it and is therefore justified according to Hindu Law; but, the answer to that is, that the mortgagees are not, so far as appears, pressing for the money, that it is the duty of the head of the family to pay off the debts out of income rather than to alienate, and that there is no

family necessity which requires the sale. Apparently indeed the negotiations for the purchase commenced with Government and not with Mr Gummiah Chetty.

4 It might therefore be as well to consider whether it would not be safer for Government to take up the land under the Land Acquisition Act, than by purchase. Mr Gummiah Chetty might be offered as compensation the present price - less 15 per cent, and, at the same time, be informed that he will be entitled to that 15% in consequence of Government taking up the land. If this course as to the 15 % were not adopted Government might have to pay Rs 41625 plus 15 % - thereon.

5 Awaiting the orders of Government

I am, Sir,

Your Obedient Servant,

Luist Barclay

Government Solicitor.

113-4 24.2 58.
3441-2 24.12.57

0.1.58

PMC No. 3668

Public Works Department

1/184

Letter from the Govt. Solicitor. No. 208 d/13 April/88

For orders.

13.20.4.88

It will undoubtedly be safer
to take up the property under
the Act & then can be done
very easily & quickly. order
ready.

It is not however think that
the Govt. question the alienation
of the whole price or large portion
of it went to the mortgagees. we
have however no security that
it will go to them.

PHH
17 Apr

Sols
16/4/88

O. 25 1/2 14 Apr 18.4.88. Rev. day: 17.4.88.
rev: 18.4.88

1/184



PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

20th April 1888

READ the following

Letter from the Government Solicitor H. E. No 208. of 13th April 1888.

Under the circumstances explained by the Government Solicitor, the Government approve of the land in question being taken up under the Land Acquisition Act, on the terms specified in paragraph 4 of the letter recorded above.

The Collector of Madras will take the requisite steps for acquiring the land accordingly.

The Superintending Engineer V. V. will furnish the Collector with a plan of the

the land with the boundaries
correctly marked thereon.

2/1184

July 17/11/88
18/4/88

11/11/88

Decd
27/14/88

2/

The Collector Madras, with G.O. 3441 W
of 16th December 1887, and G.O. 663 W.
of 24th February 1888. ✓
" Government Solicitor
" Supty. Engineer V. Smith,
" Military Department,
" Revenue Department.

R/S
2.5.75
Rev. Secy. 17.11.88 to 18/4/88

(To The Revenue Secretary for forward of)
counter-initialed

Govt. of 1888

PUBLIC WORKS.

W. J. Smith

Dated

Recd.

Encl.

20th Apr 1888 No. 1184 W.

Land

Order regarding the
acquisition of certain
required for a Coal
Store and certain Ordnance
buildings at Madras,
under the Land Acquisition
Act.

1385 W

W. J. Smith