

- (1) பக்கங்களின் எண்ணிக்கை 18
 (2) புதுக்கித் திருப்பிய நாள் 12/85
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 6000 ✓

தமிழ்நாடு ஆவணக் காப்பகம்.

53

தமிழ்நாடு அரசு

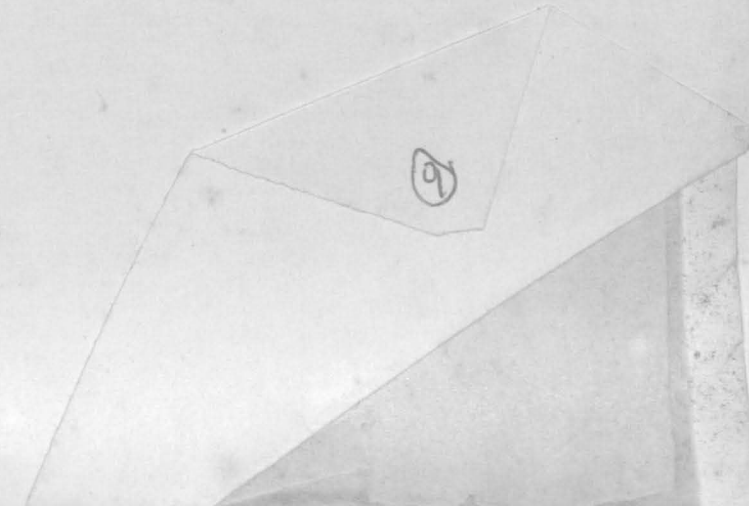
PW0 துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	1145	அச்சகம் பலவகை
நாள் :	29. 4. 1889	198.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

9. sheets

சு.வ. 18,000-18-8-87.
2



1145
11TH JANUARY 1887, No. 12, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 14th October 1886, No. 2233 :—

Read—the following letter from J. THOMSON, Esq., Acting Collector of the Godáviri District, to the Secretary to the Board of Revenue, dated Cocanada, 21st September 1886, No. 408 :—

I have the honor to request you will be so good as to instruct me whether deeds of conveyance for lands taken up for public purposes should be taken from 1st July 1882, the date from which the Transfer of Property Act has come into force or from the date of Board's Proceedings, dated 7th July 1885, No. 1996.

2. Documents are being taken from the latter date, and if they are required for the former period also the work will, it is feared, be very troublesome.

Resolution—dated 14th October 1886, No. 2233.

Submitted for the orders of Government, with reference to G.O., No. 675, dated 6th June 1885.

2. Looking to the distinct terms of section 54 of the Transfer of Property Act IV of 1882, the Board are of opinion that in respect of lands of the value of Rs. 100 and upwards, deeds of conveyance should be taken from the date on which the Act came into force.

3. With regard to lands of less value than Rs. 100, deeds are not absolutely necessary under the Act, and they may, the Board think, be dispensed with in the case of transactions which took place prior to the issue of the instructions referred to by the Collector.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

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

ORDER—dated 11th January 1887, No. 12, Revenue.

Miscellaneous.

Government concur in the views of the Board.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Board of Revenue.
,, Public Works Department.

Exd. J. Henricus.

65 Copies.

B. 22376 4 2/7-2-87
Govt. of (1887) Madras.

REVENUE.

Communicated to
officers of the P.W. Dept
in continuation of
G.O. No. 1538 W. dated
2nd July 1885

(sd) J. C. H.
W.

Issued

Recd.

Encl.

G.O., 11th January 1887, No. 12.

JANUARY.

Ch. Engr. for Drain
Consgr. Engr. for Rys
Supdgr. Engrs.
Consgr. Archt. to Govt
Exr. P.W. Works
Supdgr. Engr. S.M. Scheme
Engr. in-charge S. Ry Surveys

Deeds of Conveyance

for lands taken up for public purposes.—Con-
curring in the views expressed by the Board of
Revenue, on a reference from the Collector of
Godavari inquiring whether — should be taken
from the date when the Transfer of Property Act
came into force or from the date of the instruc-
tions issued on the subject.

With order

1145
14TH MARCH 1887, No. 282, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 26th November 1886,
No. 2569 :—

Read—the following letter from W. G. UNDERWOOD, Esq., Acting Collector of
Nellore, to the Secretary to the Board of Revenue, dated 2nd November
1886, No. 6807 :—

The Board are aware that the Temporary Deputy Collector, I. Sarabhalingam Naidu, is now engaged in acquiring lands for the Sangam Project works in addition to his ordinary duties. These lands are mostly wanted for minor irrigation and branch channels, which, though numerous and stretching in lines through a number of villages, are so narrow that in many cases the areas covered by them in each putta and the amounts of compensation payable on their account are small, whilst the land-owners in a single case often happen to be numerous. They will not therefore trouble themselves to travel to the Registrar's office to get the necessary title-deeds registered and to draw their monies. In a large number of cases the Deputy Collector has no doubt succeeded, by his personal influence, in inducing owners to attend the Registrar's office; but there are still more than a hundred cases in which they have foregone their compensation rather than go to the distant Registrar's office. The accompanying statement gives ten of these cases, and it will be seen that, while the money payable in each case is from 5 annas to Rs. 5-5-0, the number of interested persons is from 3 to 11, and the distance to be travelled (including return journeys) from 18 to 32 miles. I need hardly say that in cases like these the travelling and halting expenses of the men will alone exceed the petty sums due to them; and it is scarcely advisable that Government should undertake to pay these expenses in addition to the costs of registration. Before the receipt of Board's Proceedings, No. 1996, of the 7th July 1885, Sarabhalingam Naidu, as Special Deputy Collector, was in the habit of making his payments, as far as possible, in the villages themselves for the convenience of the parties; but now he has only one course open, and that is, first, to see that the parties attend the Registrar's office and get the necessary title-deeds registered; and then to pay them their monies; and the result has been that there are 107 bills, partly or wholly unpaid, lying in his office in spite of his endeavours to pay them as speedily as possible. Considering the frequent applications which are coming in for lands required for the minor channels, the number will increase rapidly.

2. Under the provisions of the Transfer of Property Act (4 of 1882) the registration of title-deeds is not necessary where the consideration is below Rs. 100. Still Government, knowing this, directed that title-deeds should be obtained for all lands taken up for public purposes, whatever the amount of compensation settled. This was a measure of safety to third parties. But in the case of these minor channels, which affect hundreds of persons, the order of Government works hardship. The public accounts also will fall into confusion unless these petty items are paid in time and eliminated from them.

3. To obviate this difficulty there are only two alternatives, viz., either to exempt from registration title-deeds for lands taken up under the Sangam Project where the compensation settled does not exceed Rs. 50 or 100, or to get the Deputy Collector's compensation head clerk, who gets Rs. 40 per mensem, specially appointed a Sub-Registrar for the purpose of travelling with the Deputy Collector and registering these title-deeds in the villages concerned.

ENCLOSURE.—Statement.

2

14TH MARCH 1887, No. 282, REVENUE.

Resolution—dated 26th November 1886, No. 2569.

Submitted for the orders of Government with reference to G.O., No. 675, dated 6th June 1885.

2. The Board are of opinion that in the petty cases reported, where the value of the lands is below Rs. 25, deeds of conveyance may be dispensed with and the transfer effected by delivery of possession, an endorsement testifying to such delivery being taken on the putta in the form suggested in the concluding portion of the Government Pleader's letter, No. 89, dated 25th March 1885, recorded in the foregoing Government order.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with one enclosure to be returned.

Copy to the Collector of Nellore.

ORDER—dated 14th March 1887, No. 282, Revenue.

Miscellaneous.

In modification of G.O., dated 6th June 1885, No. 675, the Government are pleased to direct that, where lands are

acquired for public purposes and the compensation settled in each case does not exceed Rs. 50, the title-deed obtained, the Collector's award or the Court's order need not be registered.

(True Extract.)

deducted
Ag. Secretary to Government.

To the Board of Revenue, with one enclosure returned.
„ the Public Works Department.
„ the Judicial Department.

Exd. W. H. French.

80 Copies.

2422

80. Bno 1538 W of 2-7-85
30014 W of 6-12-84
no 17378 W of 26-9-84
258 W of 2-2-87

B. No. 1092 Wd/19 April 1887

Communicated to
Comm. to
officers of the
P. W. D. in mode-
fication of G.O.
No. 1538 W dated
2nd July 1885.

13.4.87

15/4/87

P.W.D. No. 2555

Govt. of (1887) Madras.
REVENUE.

Issued
+
Recd. 29.3.87
+ waiting papers.
Encl.
G.O., 14th March 1887, No. 282.

B. No 1092 Wd/19 April 1887

MARCH.

J.S. ✓
R.R. ✓
S.S. ✓
C.A.C.A. ✓
27/4/87
replies to 10/4/87

0/13/4
R. 15/4/87
J.S. ✓
10/4/87

Lands taken up for public purposes.

Directing that, where the compensation for —, does not exceed Rs. 50, the title-deed, the Collector's award or the Court's order need not be registered.

With order

4

1145

9TH MAY 1887, No. 443, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—again G.O., dated 14th March 1887, No. 282, Revenue.
Read—the following Proceedings of the Board of Revenue, dated 31st March 1887, Mis. No. 2383 :—

Resolution—dated 31st March 1887, Mis. No. 2383.

The Board venture to point out that the order does not appear to be correct in so far as it rules that "title-deeds" obtained for lands of less value than Rs. 50 need not be registered.

2. Where there are title-deeds they must be registered whether the value of the lands be less than Rs. 100 or not (*vide* paragraph 2 of Government Pleader's letter in Board's Proceedings, dated 7th July 1885, No. 1996). When the value amounts to Rs. 100 and more registration is of course compulsory under section 17, clause (b) of the Registration Act. Where also the value is less than Rs. 100 as section 50 of the same Act provides that every registered document shall take effect as against every unregistered document relating to the same property, it is practically necessary to register the title-deeds. Property of less value than Rs. 100 may, however, be transferred by mere delivery of possession without any written instrument under section 54 of the Transfer of Property Act (IV of 1882), and in these cases the endorsement to be entered on the putta in the form given in the concluding portion of the Government Pleader's letter, dated 25th March 1885, No. 89, printed in Board's Proceedings, dated 7th July 1885, No. 1996, would suffice.

3. The Board think also that the limit of value given in the Government Order as Rs. 50 may be raised to Rs. 100.

(A true Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department.

ORDER—dated 9th May 1887, No. 443, Revenue.

Miscellaneous.

The Government concur in the Board's view in para. 1. G.O., dated 14th March 1887, No. 282, will be modified as follows :—

"Where any land is acquired for public purposes under the Act and the compensation settled does not exceed Rs. 50, the Collector's award or the Court's order need not be registered, but every conveyance taken must be registered whether the compensation paid exceeds Rs. 50 or not. In the case of lands not exceeding Rs. 50 in value acquired by private negotiation, no conveyance need be taken, and it will be sufficient if the fact of the transfer of possession of the lands which, *per se*, operates as a conveyance under section 54 of the Transfer of Property Act, be noted in the puttas relating to them and in the village registers."

2. Adverting to paragraph 3, Government adhere to their decision that the limit of value should be fixed at Rs. 50. Where the compensation payable is more than Rs. 50, the transaction is one of sufficient importance for a conveyance and registration, though the law does not render them indispensable up to a limit of value of Rs. 100.

(True Extract.)

Sedwickie

Ag. Secretary to Government.

To the Commissioners of Land Revenue.
„ the Judicial Department.
„ the Public Works Department.

Erd. W. H. French.

80 Copies.

11/45

5

P.W. No. 4015
Govt. of 1887 Madras.

REVENUE.

Issued
Recd. 27-5-87 Encl.
G.O., 9th May 1887, No. 443.

MAY.

Registration of Title-deeds, &c.,
of Lands.

Modifying orders with regard to the — of
small value taken up for public purposes.

3. No 1092 W 19.4.87
" 376 W " 2.87
" 1535 W " 2-7.85
" 3001 W " 6-12.84
No 17372 W 26.9.84.

No 1520 W 17 June 87

Comd to officers
Comd to officers
of the P. W. D.
of the P. W. D.
in modification
in modification
of G.O. No. 1092 W.
of G.O. No. 1092 W.
dated 19th April 87
dated 19th April 87
17-5-87

31/5/87

No 1520 W 17 June 87

J. ✓
R. ✓
S.E. ✓
C.A. ✓
L.C. ✓
7/6/87
E. in Ch. Madras
27-5-87

9TH MARCH 1889, No. 174, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

Read—again the following G.O., dated 30th October 1888, Mis. No. 6485, Revenue:—
Read—the following office-note from the Examiner of Public Works Accounts, to the
Secretary to Government, Public Works Department, dated Madras, 10th
October 1888, No. 2390:—

The Special Deputy Collector engaged in taking up land for the Rushikulya
project has put to me certain questions and made certain suggestions regarding the
preparation of award statements and receipts connected with them and regarding
modifications of the form in question, and I submit them for the consideration of
Government and such action as may be necessary.

2. The Deputy Collector considers that additional columns are required in the
award statement for the following information, viz:—

- 1st.—The sub-district in which the village is situated.
- 2nd.—Number of patta if land is jerayoti, or title-deeds if inam.
- 3rd.—Whether the land taken up is inam, or jerayoti, wet, dry or rained.
- 4th.—The survey numbers of the fields or portions of fields taken up.
- 5th.—Allowance at 15 per cent. under section 42 of Act X of 1870.

He says "these particulars are not only absolutely necessary for registration purposes
[vide copy of Aska Sub-Registrar's letter,*
dated 25th May 1887, No. 116, and the
* To be returned.

old form * of award statement which was in use before the new form 'A' (Madras
form M. 183) was introduced], but will facilitate reference at subsequent times, when
questions arise as to what survey field, or portion of a survey field, was paid for previ-
ously." As to this I would observe that registration is not compulsory and that it is
a question whether it is worthwhile to encumber the award statements with a mass
of particulars only required in connection with an operation which might perhaps be
dispensed with. A column for field number would, I think, be a useful addition.

3. The Deputy Collector then asks what lands are, in certain cases, to be shown in
award statement. He says, "if land be taken up under the Act, each award statement
should, under the foot-note in the form sanctioned by the Government of India, be
confined to the lands to be taken up under one declaration. In other words, lands
acquired under more than one declaration should not be included in one statement, but
there should be as many separate statements submitted as there are declarations. One
award statement cannot be prepared for all lands acquired under one declaration, because
an award can be passed under section 14 of the Act only on the claimant's written
agreement to accept the compensation tendered. Past experience clearly proves that
the claimants of all the lands under one declaration never attend at one time but on
different dates, nay, in different months. Payments to claimants, who are in attendance,
cannot be postponed by reason of the absence of the other claimants under the same
declaration, or cannot be paid before passing of an award and award statement.
Occasion arose in some cases to refer to court in respect of some such absent persons
residing in other districts, &c., or refusing to accept compensation. One statement is,
however, prepared in case of several persons attending at one and the same time."

4. Then, with regard to the application of the form to cases of private negotiation,
the Deputy Collector suggests that in the lines at the head of the form the "date of
award" should be left blank, as no award will be made in private negotiation, that
"the number and date of declaration in gazette" is to be omitted, and that the words
"awarded" and "under section Act X of 1870" should also be omitted from the
line "statement showing compensation awarded under section Act X of 1870."
He adds that "a separate form omitting these particulars will suit better."

5. I think myself that one form could be made to suit both cases, all particulars required in one case and not required in the other being collected in one place, with the remark that they should be omitted in case of private negotiation. The subsequent wording of headings and other entries should then be neutral so as to suit both cases. I see no use in having two series of statements, but rather the contrary. As far as I and my office are concerned, the more forms there are and the more each is specialised the greater the convenience; but to those who prepare the statements and the vouchers, the multiplication of separate forms on account of minute differences will, I think, be a nuisance. If it is necessary for the purposes of the Revenue officers to have separate record of awards, there can be two "number" spaces in the form, one (first) for numbering statements in a series common to both cases and another for numbers and dates of awards under the Act.

6. Regarding the application of the receipt form to cases of private negotiation, the Deputy Collector further suggests that the words "in award statement" should be altered into "statement," as no award will in such cases be made. I think that one form of receipt might be made to suit, the form being made neutral by substituting "award or statement" for "award."

7. The Deputy Collector also asks for instructions as to who is to sign the red-ink endorsement printed across the receipt in the following cases, viz., (a) when the money is remitted to the District Court under an order of that court; (b) when the money is remitted to a District Munsif either under District Court's order, or under his own order; (c) when the money is remitted to a Tahsildar or other Government officer in another district for payment to the claimants residing in his jurisdiction; (d) when the money is paid to parties by a Tahsildar or Deputy Tahsildar in this district at Deputy Collector's request (which seldom occurs) and under unavoidable circumstances.

8. It appears to me that the endorsement should ordinarily be signed by the responsible paying officer, whoever he may be, but, as the form of words may possibly be held to imply signature by a witness other than the paying officer, the point is referred for a definite ruling. In case of payments to courts, it would seem necessary that the paying officer should substitute some suitable form of words.

9. The Deputy Collector further wishes to be informed who is to sign the receipt when the money is paid by the Deputy Collector's peon to the claimants in the presence of the Registration officer in the case of sale-deeds exceeding Rs. 50? With reference to this, I see no objection to payment by the peon, provided the Registrar will sign the red-ink endorsement in question, but he may not consider this as part of his duty.

10. If it is proposed to make any material alteration of the present forms, which are prescribed by the Government of India, the approval of that Government will be necessary; but, before suggesting any such alterations, it might be well to obtain the opinions of other Revenue officers on the question raised by the Deputy Collector.

No. 3872 C, Public Works.

Referred to the Revenue Department for favor of remarks,

(Signed) H. R. MEAD, Col., R.E.,
Ag. Secretary to Government.

13th October 1888.

To the Revenue Department, with copies of forms M. 183, M. 183A, M. 183B.

Order—dated 30th October 1888, Mis. No. 6485, Revenue.

Referred to the Commissioners of Land Revenue for remarks.

(Signed) C. A. GALTON,
Ag. Secretary to Government.

To the Commissioners of Land Revenue,
with enclosures, in original, to be returned.

Read—also the following Proceedings of the Board of Revenue (Land Revenue), dated 4th February 1889, Mis. No. 626 :—

THE HON. J. GROSE, M.A.

Read—endorsement of Government, Revenue Department, dated 30th October 1888, No. 6485, on that of the Secretary to Government, Public Works Department, dated 13th October 1888, No. 3872 C, on office-note from the Examiner, Public Works Accounts, dated 10th October 1888, No. 2390.

Resolution—dated 4th February 1889, Mis. No. 626.

With reference to paragraph 2 of the Examiner's letter received with the endorsement under reply, the Board agree with him that the particulars mentioned by the Deputy Collector need not be entered in the award statement. It is only the award that is registered and not the award statement. It seems to the Board that even the additional column proposed by the Examiner to show the survey numbers of the fields taken up is not necessary, as there will always be other records to give the information.

2. The Deputy Collector's difficulty in paragraph 3 is not clear. The rules communicated with Board's Proceedings,* dated 13th August 1886, No. 1813, do not contemplate the payment of all the parties at the same time, and the particulars contained in the statement may relate to cases covered by more than one award, but comprised in one declaration.

3. The Board agree with the Examiner in the view expressed in paragraph 5. The form circulated with Board's Proceedings, dated 13th August 1886, No. 1813, should be adopted for cases of compensation settled by private negotiation also, such columns, &c., as are required in the former case and not required in the latter being left blank and a note being added that the land was acquired by private negotiation.

4. Referring to paragraph 6, the Board think that the reference to the award statement in the receipt is not objectionable as such a statement is actually submitted even in cases where lands are acquired by private negotiation [vide letter of the Government of India, communicated with G.O., dated 6th December 1887, No. 3227 W. (Board's Proceedings, † dated 26th January 1888, No. 84)].

5. In the case of the receipts referred to in paragraphs 7, 8 and 9, the responsible officer paying the money should sign the red-ink certificate. When money is remitted to a court the certificate should be slightly modified to show that the money was so sent and signed by the officer sending the money. When the money is paid by a peon before the Registering officer, or when it is sent to another Tahsildar or other officer for payment, the receipt should also be forwarded to such officer and he should be asked to sign the certificate. This certificate is not intended to provide for the signature of witnesses.

(True Extract.)

(Signed) M. HAMMICK,
Secretary.

To the Secretary to Government, Revenue Department,
with papers returned.

9TH MARCH 1889, No. 174, REVENUE.

ORDER—dated 9th March 1889, No. 174, Revenue.

Miscellaneous.

Communicated to the Public Works
Department with reference to their
endorsement, dated 13th October 1888,
No. 3872 C.

2. With reference to the remark of the Examiner of Public Works Accounts that registration is not compulsory in the case of awards made under the Act, his attention is invited to G.O., dated 9th May 1887, No. 443, Revenue.

3. The Board's suggestion that when money is paid before a Registering officer, the certificate should be signed by that officer is approved. The Judicial Department will be requested to issue the necessary orders.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Public Works Department.
„ the Judicial Department.
„ the Commissioners of Land Revenue.
„ the Accountant-General.

Exd. A. D. Xavier.

80 Copies.

8

1145

8

Govt. of {1889} Madras.
REVENUE.

*Communicated to
Officers of the P. W. D.
for information and
to the Examiners of
P. W. Accounts for
guidance.*

Issued

Recd.

Encl.

G.O., 9th March 1889, No. 174.

MARCH.

Land Acquisition Act X of 1870.

Communicating to the Public Works Department Board's Proceedings on certain suggestions of the Examiner of Public Works Accounts regarding preparation of award statements and receipts under the —.

*C. E. for S.
C. E. for Rys
S. Es
C. A. to Govt
Asst. P. W. Secy*

[For Heads of Departments.]

Circular No. V Public Works.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ACCOUNT.
General.

Calcutta, the 2nd April 1889.

The following is forwarded to the Local Governments, Administrations and Officers noted in the margin, for information and guidance, in continuation of Public Works Department Circular No. 1 P. W. of the 4th January last.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners, Central Provinces, Burma, Assam and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana and Biluchistan.
The Superintendent of Port Blair and Chief Commissioner, Andaman and Nicobar Islands.
The Director General of Telegraphs.
The Accountant General, Public Works Department.
The Director General of Railways.
The Consulting Engineers to the Government of India for Railways, Calcutta, Lucknow and Central Division.
The Comptroller General.

Asst. Secy **Asst. Secy, R.E.,**

Offg. Deputy Secretary to the Govt. of India.

No. 85 A.—G., dated 27th March 1889.

From—The Government of India, P. W. Dept.,
To—The Secretary to the Govt. of —, P. W. Dept.

I am directed to acknowledge the receipt of your endorsement No. 742 I of the 17th December last, forwarding a copy of the proceedings of the Government of —, No. 741 I of the same date, on the subject of the adjustment of certain charges (noted in the margin) incidental to the acquisition of land, and enquiring whether the prevailing practice of debiting such charges to the works

concerned should be adhered to.

2. In reply, I am to invite attention to Public Works Department letter No. 207 I of the 29th November 1887, para. 2, in which the principle governing the allocation of establishment charges is laid down. The incidental charges now referred to should be considered as contingencies of establishment, and should, therefore, follow the rule which governs the allocation of establishment charges proper.

3. With reference to the concluding sentence of order No. 741 I, dated 17th December last, of the Government of —, I am to observe that the amount of expenditure involved is not apparently of such magnitude as to warrant any adjustment between Imperial and Provincial funds.

Government of India Central Printing Office.—No. 273 P. W. D.—3-4-89—960.

To the Secretary to the Government of Madras

6. 1880
 " 998 W of 10. 11. 87
 " 1520 W of 7-6-87
 " 1092 W of 19-4-87
 " 376 W of 9-2-87
 " 3001 W of 6-12-84
 Inven No 1737 of 26-9-84
 7-10-85 Rev

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P. 1145 W of 29-11-87
 B Recorded with
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 reference to
 reference to
 No 191. I. of 12th
 April 1889.

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P 145

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