

Public Works (1896) Department.

G.O., No. 3257

DATED 13th November 1896.

[Despatch Abstract.]

Appeal: Sanctioning the proposed - to the High Court against the S.C. Judge's award of compensation for land acquired for the construction of the Madras & Collector's Office Road, Nellore & Co.

READ the following

Expt in the Rev. Dept no 4378 of 6.11.96 on Pres. & the
no. of pres. no 4927 in 2 of 3.11.96.

The proposed
appeal to the High Court
is sanctioned -

11/14/24

We have 50 lbs. Pleistocene
with 5 emuls.
Cretaceous vegetation,
Rev. Sept.

Public Works
Revenue (1896) Department.

CURRENT No. *10067*
7917

From

The Board of Revenue
Land Revenue
Madras.

No. 4927 Misc.

Order

Endt. No. 4378 d/ 6th Nov. 96.

Transferred to the Public Works
Department.

G. H. M.
Ag. Secy. to Govt.

Fort St. George
6th Nov. 96.

Dated 3rd November 1896

Received 4th 7.11.96

Registered — —

Enclosures 67

Spare copies

SUBJECT.

TO,
The P. W. D.
with enclosures.

Submitting to Govt. with remark
certain papers relating to the fil-
-ing of an appeal against the award
of the District Judge of Nellore in
Land Acquisition case no. 201
1893 and requesting that the necessary
instructions may be issued to the
Govt. Pleader direct.

SL

V. A. W.

HIGH COURT,

No. 920.

From

E. B. POWELL, Esq.,

GOVERNMENT PLEADER,

Madras,

To

THE Secretary to the Board of Revenue
Land Revenue

SIR,

SIR,

With reference to the Board's Proceedings dated 22nd September 1896, N^o 4550 and, I have the honor to submit the following:—

Opinion.

The District Judge is clearly in error in taking into consideration the prospective value of the land. Section 23 of the Act says that the Court shall take into consideration the market value of the land at the date of the publication of the declaration viz, March 1893. On that date the construction of the Railway line had not even been definitively settled, and the work was in fact not commenced till October 1895. So the probable increase of the value of land adjacent to the Railway after

after the building of the line should not have been an element in determining the amount of compensation.

2 The Sale deeds on which the District Judge bases his finding in Paragraph 3 of his Award are executed long after the Reference by the Deputy Collector. It is to be observed that they have been Registered although not compulsorily registrable in order to give them a fictitious weight in the eyes of the Court. I don't think there can be any reasonable doubt that they represent collusive transactions and have been got up to support his present case for higher compensation than the Deputy Collector allowed him. And the further fact that they were not produced before the Deputy Collector throws additional suspicion upon them.

3 The evidence of the claimant's witnesses is more or less interested and entitled to no weight when those statements are not supported by documentary evidence. On the other hand I observe that there is evidence on behalf of Government that similar land was taken up by Government in 1894 and compensation paid at 7 times the Farau assessment. Presumably that was the market value of the land. At any rate it must be accepted as the market value unless the claimant can show something to the contrary.

Para 3 of award letter
summed up by the
of the District Judge
111

Award B
25-12-1894.
vide page 5 of the
award letter
18/12/94 the profit

4 I am of opinion that an appeal may be preferred against the District Judge's Award with a fair prospect of success.

I have the honor to be,
Sir,

Your most obedient servant,

W. Town

Government Pleader.



Proceedings of the Board of Revenue (Land Revenue)

No. 492/Misc., dated 3rd November 1896.

Read the following :-

1. Again Board's Proceedings No. 4350 Misc., dated 22nd September 1896.
2. Also letter from E.B. Powell, Esquire, Government Pleader, Madras, to the Secretary to the Board of Revenue, Land Revenue, No. 920, dated 28th October 1896.

Resolution

The papers read above will be submitted to Government with the request that sanction may be accorded for preferring an appeal to the High Court against the District Judge's award in question.

2. As the appeal time expires on the 23rd instant, the Board requests that the necessary instructions may be issued to the Government Pleader direct.

(True Extract)

Ree

Acting Secretary.

To The Secretary to Govt. R.D., with copy of B.P. 4350 Mls, d/22-9-96, & with 2 letters & 3 Enclos. in original to be returned.

Md. R. H.

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