

Public Works (1898) Department.

G.O., No. 3041

DATED 28th Nov 98

[Despatch Abstract.]

Lands on the Anamalai's

Pres: Rev. Depts Considering that the question of raising the upset price for should be deferred and issuing instructions as to the method of dealing with the applications for lands already admitted) Commencement to be as S. E. W. Arils.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Considering that the question of raising the upset price for — should be deferred, and issuing instructions as to the method of dealing with the applications for the lands already admitted.

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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), Forest Mis. No. 127, dated 5th March 1898 :—

Read—the following letter from A. BUTTERWORTH, Esq., Collector of Coimbatore, to the Secretary to the Commissioners of Land Revenue (through the Conservator of Forests, Southern Circle), dated 21st February 1898, Ref. on Cur. No. 395 of 1897-98 :—

I have the honour to suggest that the Government should be moved to raise the upset price at which land on the Anamalais is sold. The auction system is proving a mere farce. There is, I understand, a combination among planters not to bid against each other. Consequently at these nominal auctions the applicant alone appears and tenders the upset price of Rs. 5 per acre, whereon the land is knocked down to him; meanwhile applications for land continue to come in fast and I feel sure that Government might obtain a very much larger price than it now gets. A glance at Mr. Windle's letters* to me which accompanied my letter, dated 31st October 1897, No. 840-Sub., addressed to the Board renders it plain that the market value of the land is much above Rs. 5 an acre, and that the lowness of the upset price merely encourages speculation. Government certainly never contemplated all the land going at Rs. 5, because it did not foresee a combination and, I think, that the time has come for raising the upset price from Rs. 5 to Rs. 10 an acre. I believe that Government would get Rs. 15 an acre if that rate were fixed, but it is safer to fix a smaller sum. I have the honour to request that I may be favoured with early orders on this letter.

Endorsement by the Conservator of Forests, Southern Circle, dated Coimbatore, 28th February 1898, No. 3375.

Forwarded.

2. I agree with the Collector.

Resolution—Forest Mis. No. 127, dated 5th March 1898.

The Collector's letter will be submitted to Government with a recommendation that the upset price be raised. The Board considers that Rs. 15 would not be too high for the upset price in view of the facts stated by Mr. Windle in his letter, dated 25th October 1897, which show that speculators have made immediate profits of an excessive and unreasonable amount.

(True Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
with Collector's letter and its two enclosures
in original to be returned.

READ—the following G.O., No. 781 W., dated 23rd March 1898 :—

Read—the following papers :—

Endorsement from the Revenue Department, dated 10th February 1898, No. 684, on Proceedings of the Board of Revenue (Land Revenue), Mis. No. 1202, dated 19th November 1897.

From A. H. GARRETT, Esq., Superintending Engineer, IV Circle, to the Chief Engineer, Public Works Department, dated Coimbatore, 15th February 1898, No. 81/W.

I have the honour to forward my inspection notes on the Anamalai roads.

2. You will observe that some of my instructions to Mr. Loam are not in entire accordance with your orders which were, however, based on the somewhat imperfect information laid before you at the meeting at Coonoor last December.

3. I take it that your intention is to have a good rideable path made from the Auliar crossing to Sirukundru as soon as possible, and this is the work which Mr. Loam has been ordered to carry out.

4. It should not take him more than three months to complete this portion of the work, provided the necessary assistance is furnished him. Hitherto he has been working single-handed and without sufficiently definite instructions.

5. He has undoubtedly had numerous difficulties to contend against, and without going so far as to say he is in no measure responsible for any delay, I must express my very decided opinion that he should be protected from irresponsible criticism of the kind recently directed against him.

6. He has been made the recipient of a very large amount of advice, failure to comply with which, though not always sound or practicable, has sometimes caused irritation and been regarded as an indication of professional incompetence.

7. From the tracing which accompanies my notes it will be observed that a good deal of land has already changed hands. If Government wish to stop the speculation in land which is now going on and will most certainly continue, I would suggest that no more land be auctioned till the bridle-path to Sirukundru is completed. If this is done, time will be afforded to widely advertise the sale and to enable prospectors to see the country. At present there can be very little competition at the auction sales which are only attended by the few who know that in a short time a much higher price will be obtainable for the land they purchase.

A good many people, however, are just beginning to visit these hills, and if further sales are postponed as suggested, Government will, I am certain, secure a much better price for their land than if they sell at once, and they will also put a stop to land jobbing.

Note by the Chief Engineer, Public Works Department.

The Superintending Engineer, IV Circle, was directed in G.O., No. 76 W., dated 11th January 1898, to take immediate action on the proposals made by me in paragraph 6 of my note printed with the above Government Order and approved by Government.

2. He now submits with his letter No. 81/W., dated 15th February 1898, his inspection notes on the above roads and asks for orders thereon.

3. It will be seen from his letter and notes that some of the information given to me by the planters at Coonoor was somewhat misleading and that it is not advisable to carry out all the proposals based thereon.

4. One thing, however, is certain, viz., that a bridle-path can and must be made on the line already selected. Mr. Garrett states that this work should not take Mr. Loam more than three months, provided he is given the necessary assistance. I sent him Sergeant Ruck as soon as I knew that he required assistance, but owing to

fever, he has been of little service. He has now been replaced by Sergeant C. J. Smith, who volunteered for the work and I am making arrangements to send him further help immediately. I hope, therefore, that there will be no difficulty in completing this bridle-path before the monsoon stops work.

5. With regard to the cart-road Mr. Garrett reports as follows:—

(1) The Auliar crossing is 350 feet wide; and as the Kullar suspension bridge is only 200 feet wide, it is quite unsuited for the purpose, and no action has accordingly been taken on the order to transport it from Kullar. He also gives it as his opinion that it is sound economy to build a cart-bridge here once for all and he asks for permission to collect materials for building the piers at once and get them in during the present working season. I strongly support him in this, and as every day is of importance I telegraphed to him on 21st February "you can commence collecting materials for Auliar bridge," and I beg that this action may be confirmed. We have a grant of Rs. 50,000 next year to meet the cost. The order to bring the Kullar bridge to the Auliar should be cancelled.

(2) From the Auliar crossing for a distance of $3\frac{1}{2}$ miles there is only one possible route for the cart-road. For $2\frac{1}{2}$ miles, this has already, to a great extent, been roughly cut and bridged, though the latter are very rough for want of proper supervision. Mr. Garrett asks for permission to extend this road for the full distance of $3\frac{1}{2}$ miles and to mettle it throughout, because it will otherwise cut up very much during the rains. I recommend that this permission be granted, an estimate for the bridge and for these $3\frac{1}{2}$ miles of cart-road being submitted as soon as possible. It will be necessary, I fear, to re-build all the bridges if they are not to give constant trouble. That they were built so roughly in the first instance is due apparently to Mr. Loam having no assistance, and for this Mr. Hannan, his late Superintending Engineer, is responsible.

(3) From this point there are two alternative routes to Paralai—one *via* the Prince of Wales' ghat and Water-fall estate, on the line taken by the bridle-path; and the other *via* the Villoni Pass, which is said to be much shorter, but has not yet been traced. There is also an alternative route to the former from the top of Prince of Wales' ghat *via* the village of Lower Punachi. Mr. Garrett proposes that these three routes should be traced where necessary and estimated for. The Lower Punachi route may, it is said, be slightly shorter, but bridging would be more expensive, the route is very unhealthy and the Forest Department might object to carrying the road through forest reserve. I think, therefore, that this route may be omitted and estimates made only for—

- (i) Prince of Wales' ghat route *via* Water-fall estate.
- (ii) Villoni Pass route.

The trace for the former is practically completed, so that, besides completing the bridle-path, Mr. Loam's attention can be concentrated on the Villoni Pass route.

(4) Mr. Garrett also proposes that the trace should be extended and an estimate for a cart-road made from Sirukundru to Anaigundi Pass on Mount Stuart. This is no doubt desirable eventually, but I think it may be postponed for the present until the cart-road to Sirukundru is a *fait accompli*. It will take all our funds for the next 2 or 3 years.

6. It is also stated that provision must be made for quarters for the Engineer in charge of the road work, and that they should be built before the monsoon, his present shed being unfit to live in. This is, I believe, unavoidable and I beg that its construction may be approved.

7. The work that has to be done may, therefore, be summarised as follows:—

- (1) Completion of bridle-path from Auliar river to Sirukundru.
- (2) Construction of Auliar road bridge.
- (3) Construction, metalling and bridging of cart-road from Auliar for $3\frac{1}{2}$ miles.
- (4) Construction of Executive Engineer's quarters.
- (5) Tracing and estimating for two alternative routes for cart-road from end of road referred to in (3) to Sirukundru.

8. The Superintending Engineer states that Mr. Loam has been suffering a good deal from fever and wishes to take furlough next April. Of course if the former is the case and he obtains a medical certificate to that effect, he must be allowed to go, otherwise I should not be prepared to recommend his furlough until he had completed—

- (1) The bridle-path from Auliar to Sirukundru.
- (2) The tracings and estimates of the two alternative lines of cart-road to Sirukundru.

The construction of the Auliar bridge and of the $3\frac{1}{2}$ miles of road therefrom can be entrusted to an upper subordinate working under the Executive Engineer, Coimbatore division.

9. I would call attention to Mr. Garrett's remarks about the sale of land in paragraph 7 of his letter. It seems necessary to take precautions to prevent the sale of Government land at rates very much below its real value.

(Signed) W. B. DEWINTON,
Ag. Chief Engineer.

4th March 1898.

Order—No. 781 W., dated 23rd March 1898.

The recommendations of the Chief Engineer, as summarised in paragraph 7 of his note above recorded, are approved. The Superintending Engineer will take the necessary action thereon, and submit the requisite plans and estimates with the least possible delay.

2. The action of the Chief Engineer in ordering the collection of materials for the Auliar bridge is confirmed.

3. The proposal to transfer the Kullar footbridge to the Auliar is cancelled.

4. The remarks in paragraph 7 of the Superintending Engineer's letter will be considered in the Revenue Department.

(True Extract.)

(Signed) C. H. B. BURLTON,
Under Secretary to Government.

To the Superintending Engineer, IV Circle, with tracing.
" Examiner, Public Works Accounts.
" Revenue Department.
" Local and Municipal Department.

READ—the following telegram from the Secretary to Government, Revenue Department, to the Collector of Coimbatore, dated 27th May 1898:—

Please report extent Anamalai lands already sold. Also extent applied for but yet unsold. Report also present stage of pending applications.

READ—the following telegram from the Collector of Coimbatore, to the Secretary to Government, Revenue Department, dated 28th May 1898:—

Regarding Anamalai lands—17 blocks 15,997 acres already sold. Twelve blocks 10,896 acres applied for but not sold pending survey. No sales advertised at present.

READ—the following telegram from the Secretary to Government, Revenue Department, to the Collector of Coimbatore, dated 2nd June 1898:—

Do not admit any more applications (for) land Anamalais pending completion of Sirukundru bridle-path. Orders regarding disposal pending applications will issue shortly.

READ—again the following G.O., Mis. No. 2301, Revenue, dated 27th May 1898:—

Order—Mis. No. 2301, Revenue, dated 27th May 1898.

Under the rules for the leasing out of lands on the Anamalais printed in G.O., No. 495, dated 28th September 1896, applications have been received by the Collector of Coimbatore. The applicants have, under rule IV of those rules, made a deposit of 10 per cent. of the upset price which has been fixed in rule VIII (b) at Rs. 5 per acre and advertisements of intended sales have also been published specifying the date and the hour at which the auction is to take place. The Honourable the Advocate-General is requested to state at a very early date whether it would be legal for the Government to raise the upset price or stop the sales in the case of lands covered by the applications referred to above. The Honourable the Advocate-General is further requested to state whether the case would be altered if the sale had not yet been advertised or the deposit not yet paid although the application had been received.

(True Extract.)

(Signed) G. STOKES,
Secretary to Government.

To the Honourable the Advocate-General, with copy of G.O.,
No. 495, dated 28th September 1896.

READ—also Endorsement from ERNEST BARCLAY, Esq., Government Solicitor, Madras, dated 10th June 1898, No. 258, forwarding with reference to G.O., Mis. No. 2301, Revenue, dated 27th May 1898, the following opinion of the Honourable the Advocate-General:—

OPINION.

In my opinion it would not be legal for the Government to raise the upset price prescribed by Rule VIII, or to stop the sale, in any case in which an applicant has made the deposit required by Rule IV. The Government invite applications for the purchase of the leases of lands on certain prescribed terms. They say, in effect, we will put up a given lease for sale, and we will sell the lease to any applicant who has complied with our requirements as to deposit contained in Rules IV and IX who is the highest bidder at the sale, provided his bid amounts to more than Rs. 5 an acre. A.B., by sending in his application and by paying his deposit, accepts the offer made by Government. The contract is then complete. In legal phraseology the contract is this. We, the Government, in consideration of a sum of money paid by A.B., agree to sell the lease of certain lands to A.B., at a sale by auction provided A.B. is the highest bidder and the sum bid exceeds Rs. 5 an acre. The advertisement is a ratification of the contract, but, in my view, there is a complete contract on the sending in of the application and the payment of the deposit. The contract being thus complete, the Government cannot raise the upset price, or stop the sale, without rendering themselves liable to a suit for damages. The precise measure of the damages recoverable would be a question of some difficulty, but I think it would certainly be something more than the amount of the deposit.

2. As regards cases where the deposit has not been paid, there is no complete contract, because the acceptance of the proposal does not comply with the terms prescribed in the proposal (see section 7 of the Indian Contract Act). But, even in these cases, if the Government contemplate stopping any given sale or raising the upset price, it would be advisable to intimate without delay to the applicant or applicants, that the terms of the offer made by Government have been modified.

OCTACAMUND,
7th June 1898.

(Signed) C. ARNOLD WHITE,
Advocate-General.

ORDER—No. 573, Revenue, dated 5th October 1898.

Forest No. 193.

The Government considers that the question of raising the upset price for lands on the Anamalais should be deferred till the effect of the completion of the bridle-path to Sirukundru on the competition for the lands can be estimated.

2. The Collector of Coimbatore has already been directed by telegram not to admit any further application for land on the Anamalais pending completion of the bridle-path above referred to.

3. In the case of applications which have already been admitted and in respect of which the payment of the deposit money has also been made, the sales should be proceeded with in the ordinary course and the upset price should be Rs. 5 per acre as already notified. As regards cases in which the applicants have not paid the deposit, if there be any such, the Collector should intimate without delay to the applicants that the terms of the offer made by Government will be modified.

(True Extract.)

Secretary to Government.

To the Board of Revenue (Land Revenue).
,, the Public Works Department.
,, the Collector of Coimbatore.

Exd. Shaik Karim.