

G.O., No.

2174

W

DATED 15 August 1899.

[Despatch Abstract.]

Old Taluk Cutchery at Dharmavararam
Anantapur DC — Pro. Rev. Deptt sanctioning
the sale by auction of the — with the site on
which it stands, conveyed to the S E Circle

CURRENT No. 6371

The Revenue Department.

communicated
to the Suptg. Engr., III
Circle.

No. 2954 Mis.

Dated 26-7-99.

Received at notary and 2-8-99

Registered *at the address 4-8-77*

Enclosures / Plans } 20 total

Spare copies

SUBJECT.

Sanctioning with remarks the sale by auction of the Old Taluk Cutcherry at Dharmavaram, with the site on which it stands.

To

The Supt. Inq., III Circle
Examiner, P. W. Accts.

015385

Read letter from the Collector of

Order thereon No. 3754 His, dated 26th July 1899.

Sanctioned.

(True Extract)

Green

For Ag. Secretary to Government.

To

The Collector of Amritsar.
 ,, Board of Revenue L.R.
 ,, Public Works Department.

87.17

Government (1899) of Madras.
REVENUE.

Code No 145 of 99

INDIAN  TELEGRAPHS. Monthly Number.

Code Class. To *Telephonie* From *Message*
(Office)

Words Day Hour Minute Official Instructions
23 13 43

To *H.C.R.D.* From *2nd and Pns*
(Person)

*Please forward this office with 2nd class
copy of G.O. no 397 of 27-6-99
referred to in G.O. no 2754 of 26-7-99.*

64 Word Form.

Handwritten signature and date 23/8/99

At *Res.* Mts. by *LN.* Sent to *LN.* Telegraph Master.

Handwritten notes:
Lidd
Lennish
C. Robinson
Respectful
X.S. 1/11

Government {1899} of Madras.
REVENUE.

Serial No 145 of 99

Serial No 142 of 99

Recd.

Enclosures

Regd.

1899.

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G.O., No. 397, 27th June 1899.

Evidst.

Furnished.

C. Retnarchand

Registrar

R.D.

JUNE.

Standing Order No. 38.

Approving, subject to certain remarks, the draft — as revised by the Board of Revenue.

Due
23.8.99.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 736, dated 28th February 1899:—

Resolution—Mis. No. 736, dated 28th February 1899.

In reprinting chapter I of its Standing Orders the Board considers it desirable to revise Standing Order No. 38 and to omit Standing Order No. 35 altogether. A draft of Standing Order No. 38 as revised is accordingly submitted for the approval of Government.

2. A memorandum explaining the necessity for these alterations is appended below.

(True Extract.)

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with a memorandum and proof.

ENCLOSURES.

38. *Disposal of land and Buildings occupied by a Government Department.*—The sale of Government land and buildings when expressly sanctioned by Government should, as a general rule, be left to the Collector of the district, but it is at the same time open to other departments to apply for permission to sell land, &c., themselves when they see cause to recommend such a measure, the sale-proceeds in either case being credited to the Revenue Department and not to the department making such application. This rule does not apply to the sale of building materials or other such property, but only to land, or buildings with the site on which they stand.

2. a Whenever it is proposed to sell buildings in charge of the Public Works Department with the sites on which they stand or with the attached lands, the Collector of the district will obtain the orders of Government in the Revenue Department.

3. Whenever Government buildings are sold with their sites by public auction, a certificate in form A given in the appendix shall be granted for the building, and a title-deed in form B issued for the site occupied by the building.

Board's Proceedings, No. 2602, dated 3rd November 1881; No. 699, dated 9th March 1892; a No. 157, dated 20th May 1895.

APPENDIX.

A.

[ORDER 38, PARA. 3.]

Form of Sale Certificate for Buildings.

THIS is to certify that A.B. has purchased at a public auction held at _____ on _____ the undermentioned immoveable property and has paid the full amount of the purchase money, viz., Rs. _____.

Date and registration district.	Registration sub-district.	Taluk and village.	Description of building.	Boundaries.	Estimated area.	Remarks.
						This certificate covers the sale of the building only without the site.

B.

Form of Title-deed for the site of land sold with a Building on it.

Know all men by these presents that _____ cents or _____ square yards of land in _____ village, _____ taluk, bounded on the north by _____, east by _____, south by _____, west by _____, are granted to A.B. on the following conditions:—

(1) That an annual ground-rent of Rs. _____ or of such sum as may be fixed at every periodical revision thereof shall be paid to Government on demand before the 10th March of each year.

(2) That in default of such payment the ground-rent may be realized under Madras Act II of 1864, or any similar enactment for the time being in force providing for the recovery of arrears of revenue.

MEMORANDUM.

Standing Order No. 35.—The disposal of lands for building purposes will in future be regulated by the provisions of Standing Order No. 37 as revised in G.O., No. 527, Revenue, dated 16th September 1898. The words "and for lands like those Government or the Board," and "and in freehold assessed or unassessed" occurring in paragraph 1 of Standing Order No. 35 may, therefore, be expunged, the Standing Order being confined solely to the disposal of Government buildings with their sites. For the same reason the words "similar lands or" in paragraph 2 of the Standing Order may be omitted. Indeed paragraph 2 is hardly necessary since it is obviously desirable that title-deeds should invariably be granted by Government for buildings sold by it.

2. Standing Order No. 35—as thus revised, merely prescribes a form of title-deed to be used in the case of sales of Government buildings with their sites. The matter is not of sufficient importance to be embodied in a separate Standing Order, and might with advantage form part of Standing Order No. 38, which deals with the "disposal of land and buildings occupied by a Government Department."

Standing Order No. 38.—A paragraph has been added to Standing Order No. 38 with reference to the foregoing remarks, care being taken to keep the disposal of buildings distinct from that of the sites covered by them. The existing form of title-deed, which, it may be remarked, is unnecessarily cumbrous, conveys to the purchaser absolute right over the building as well as the site occupied by it. Under the recent orders of the Government of India, however, only the occupancy right is to be granted to purchasers of land, and the site occupied by a building can only be disposed of, subject to payment of ground-rent. Two distinct forms have, therefore, been provided—one for the former is in the form of a sale certificate similar to the certificates issued to purchasers of immovable property sold for arrears of revenue under Madras Act II of 1864—vide form No. 8 appended to paragraph 23 of Standing Order No. 106 (New Edition).

2. The conveyance deed for land or the *site* occupied by buildings, is in the form of a title-deed similar to that appended to Standing Order No. 37 as last revised by Government, but differs from it in two respects: (1) the third clause has been omitted because a building is already supposed to exist on the land; (2) the date prescribed for the payment of ground-rent has been altered from "30th June" to "10th March," as otherwise the Collector will not be able to enforce payment within the fasli year and it is not desirable to have petty arrears outstanding beyond the fasli. A similar change of date was proposed by the Board in the draft rules for the disposal of assessed waste lands submitted to Government with Board's Reference No. 817, dated 21st July 1898.

3. The insertion of a clause in the title-deed reserving the full right of the State to minerals in the land has been considered unnecessary. Such a clause is not found either in the rules for the sale of waste lands within the municipal limits of Ootacamund and Coonoor (Appendix to Standing Order No. 33) or in the form of title-deed appended to Standing Order No. 37 as last revised by Government. The extent covered by buildings will in most cases be a few cents, and it is hardly necessary to reserve the full right of the State to the subjacent minerals in such small areas.

ORDER—No. 397, Revenue, dated 27th June 1899.

Miscellaneous.

The draft Standing Order submitted by the Board of Revenue is approved subject to the following remarks:—

(1) The credit of the sale-proceeds of land and buildings occupied by a Government department is purely an account matter and should not be dealt with in the Board's Standing Orders. So much of paragraph 1 of the draft Standing Order as relates to this matter should be omitted.

(2) The fifth and sixth columns of the certificate (form A) should be omitted, all particulars necessary for the identification of the building being entered in the fourth column.

(3) The clause reserving the full right of the State to minerals in the land sold should be restored in the title-deed (form B).

(True Extract.)

(Signed) N. E. MARJORIBANKS,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

Ed. Shaik Karim.

55 Copies.