M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	403	Press / ~~Mis.~~
75-76		
Dated	16 — 3 —	1860.

Not to be folded or roughly handled

No. 75. Read the following Proceedings of the Board of Revenue, dated 4th February 1860, No. 605.

Read letter from the Collector of Coimbatore, dated 26th January 1860, No. 13.

(In Con. 1st February 1860, No. 487.)

With the above letter the Collector submits two applications from persons residing at Ootakamund for permanent Pattás for their properties.

2. These parties hold no leases from Government, having purchased their estates from Native Pattádárs, whose deeds of transfer have been duly examined by the Collector.

3. The Board concur with the Collector that Form C. in the order of Government, dated 21st September last, R. D., No. 1274, is the description of title deed to be issued under the circumstances.

In Con. 22nd September 1859, *No.* 4751.

4. The Collector, however, raises another question which requires to be decided by Government. By rule IV of the Nílgiri Manual lands required for building compounds, &c., is assessed at 5¼ Rupees for one káni in each lot and Rupee 1-2-4 per káni for the remainder. It appears from the Collector's letter to have been usual to charge the latter rate only until the lot is built upon, when the higher rate is levied on one káni of the holding. The Board doubt whether this was the original intention of the rule, though its wording is not precise. Such, however, seems to have been the practice, and the question now is how such lands are to be dealt with when "permanent" Pattás are issued. These Pattás make a special reservation of any conditions which may be found in pre-existing title deeds, but the liability to this enhanced demand is merely a rule and is not embodied in the Pattás or leases, while again some land seems to have been held for years without any titles whatever from Government. On the other hand, as the "permanent" Pattá expressly gives the holder the right of redeeming the annual tax by paying twenty times its amount, it will not be right to have the question open.

5. The Board resolve, therefore, to request the orders of Government as to the course to be followed, viz:

I. Whether the contingent claim to the higher rate (Rupees 5¼) on a single káni when buildings are erected, is to be abandoned in those cases where it is not already paid.

II. Whether its payment, when buildings are hereafter erected, is to be expressly stipulated in the new title deed.

III. If the latter question be decided in the affirmative and the Pattádár elects to redeem his quit rent *before* buildings are erected, is the twenty years' redemption price to be calculated on the higher rate.

5. Mr. Bennett's application must necessarily lie over, until the decision of Government is received, but as Serjeant Major Clayson, the other applicant, already pays the higher rate, no delay need occur in his case in the preparation and transmission of a title deed in the Form C. for the Seal of Government. The Collector will accordingly submit a deed for this property.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 76. ORDER THEREON, 16th March 1860, No. 403.

On the questions raised by the Board in these Proceedings, the Government resolve to direct that where a proprietor of land in any of the Nílgiri Stations desires to redeem the land tax on it, whether the land shall have been obtained from Government or from a "Native Pattádár," he shall be permitted to do so at the rate of the tax or quit-rent then actually payable, without reference to any contingent liability to the higher rate of tax on one káni, on his erecting a house.

(Signed) J. D. BOURDILLON,
Secretary to Government.

In Con. 1st February 1860, No. 487.

From E. B. THOMAS, Esq., Collector of COIMBATORE,
dated Coimbatore, 26th January 1860, No. 13,

With reference to the Government orders of the 5th August and 21st September 1859, Nos. 1053 and 1271, I have the honor to forward two applications from Mr. Bennet and Serjeant Major Clayson, for permanent title deeds for their properties at Ootacamund, and to request the Board of Revenue will be good enough to obtain the sanction of Government for issuing the same.

2. In both instances the lands were purchased by the applicants from native puttadars, and the transfer deeds carefully examined in my office. Serjeant Major Clayson has a house on the land owned by him, and Mr. Bennet intends to build upon the ground which he purchased. Two specifications are herewith submitted. No leases were ever issued for the lands in question. The form which appears applicable to the two cases is the one marked C, and I request the Board's orders as to whether the permanent title deeds applied for, may be issued in that form.

3. I take this opportunity of requesting the orders of the Board, on a point which affects the charge of quit-rent in the title deeds. These documents are intended to be permanent, and not liable to be changed except in the case of application for redemption of the tax, by the payment of 20 years' quit-rent, at a subsequent period. The quit-rent charged on each cawny of land held by Europeans, East Indians and others, is Rs. 1-2-4, when there is no building upon it; but when one is constructed, the charge is 5-4-0, per cawny* with 1-2-4, for each cawny of land occupied as compound. There are many plots of land owned by Europeans and others, on which there are no buildings at present, but which are reserved by them for such purposes, and if free-hold conveyances for redemption of tax by the payment at once of 20 years' quit-rent, or permanent title deeds subject to the payment of annual tax are applied for such lands, the redemption money or the permanent quit-rent must be calculated at 1-2-4 per cawny per annum. These lands will probably be built upon at a future date, when they would be liable to be charged at 5-4-0 for one cawny for building if no free-hold conveyances or permanent title deeds had been issued. By the issue of these documents, Government can have no further claim for additional tax on the land, which will be a loss to Government. Mr. Bennet's case is an instance of the kind. He has no building upon his land at present, but intends to build upon it. I request the Board's orders as to whether the quit-rent to be entered in the permanent title deed to be issued to him, is to be calculated at 1-2-4, per cawny; or whether *one* cawny should not be at once charged with 5-4-0, and the rest at 1-2-4, per cawny. Several instances of this description will occur* shortly, and it is necessary that this point should be decided. I am of opinion that all land on the hills occupied by Europeans, East Indians, &c., for other than agricultural purposes, should be charged with 5-4-0 for *one* cawny in *each* lot, and the rest with the rate of 1-2-4 whether there is a building upon it begun or not.

* i. e. the cawny built upon. Vide Rule IV. of the Manual of instructions for the grant of lands on the Niligiris B. C. B. 1st vol. page 584.

* Some *have* occurred in which the parties having paid 1-2-4 for years, objected to the 5-4-0, though fairly chargeable, when they began to build.

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Enc. 1.

Abstract.—Requests to be furnished with a permanent title deed for his property at Ootacamund.

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Enc. 2.

Abstract.—Wants a permanent title deed, subject to the payment of annual quit-rent.

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Enc. 3.

Abstract.—Specification of Mr. S. Bennet's land at Ootacamund.

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Enc. 4.

Abstract.—Specification of Serjeant Major Clayson's property at Ootacamund.

Exd. J. Tulloch.

Enclosure No. 1 in the Proceedings of the Board of Revenue to the Chief Secretary to Government dated 4th February 1860 No. 603.—

E-4- Ol. Encls.

R 298/60.

Letter from the Coll. of Coimbatore to the Secy to the Board of Revenue dated 26th January 1860 No. 13 regarding Permanent Title Deeds.—

No. 605.

Proceedings of the Board of Revenue, dated 4th February 1860.

Read letter from the Collector of Coimbatur, dated 26th January 1860, No. 13.

(In Con. 1st February 1860, No. 487.)

With the above letter the Collector submits two applications from persons residing at Utakamund for permanent puttas for their properties.

2. These parties hold no leases from Government, having purchased their estates from native puttadars, whose deeds of transfer have been duly examined by the Collector.

3. The Board concur with the Collector that Form C. in the order of Government, dated 21st September last, R. D., No. 1271, is the description of title deed to be issued under the circumstances.

In Con. 22nd September 1859, No. 4751.

4. The Collector, however, raises another question which requires to be decided by Government. By Rule IV of the Nilgiri Manual lands required for building compounds, &c., is assessed at 5¼ Rupees for one kani in each lot and Rupee 1-2-4 per kani for the remainder. It appears from the Collector's letter to have been usual to charge the latter rate only until the lot is built upon, when the higher rate is levied on one kani of the holding. The Board doubt whether this was the original intention of the rule, though its wording is not precise. Such, however, seems to have been the practice, and the question now is how such lands are to be dealt with when "permanent" puttas are issued. These puttas make a special reservation of any conditions which may be found in pre-existing title deeds, but the liability to this enhanced demand is merely a rule and is not embodied in the puttas or leases, while again some land seems to have been held for years without any titles whatever from Government. On the other hand, as the "permanent" putta expressly gives the holder the right of redeeming the annual tax by paying twenty times its amount, it will not be right to have the question open.

5. The Board resolve, therefore, to request the orders of Government as to the course to be followed, viz.

I. Whether the contingent claim to the higher rate (Rupees 5¼) on a single kani when buildings are erected, is to be abandoned in those cases where it is not already paid.

II. Whether its payment, when buildings are hereafter erected, is to be expressly stipulated in the new title deed.

III. If the latter question be decided in the affirmative and the Puttadar elects to redeem his quit rent *before* buildings are erected, is the twenty years' redemption price to be calculated on the higher rate.

5. Mr. Bennett's application must necessarily lie over, until the decision of Government is received, but as Serjeant Major Clayson, the other applicant, already pays the higher rate, no delay need occur in his case in the preparation and transmission of a title deed in the Form C for the seal of Government. The Collector will accordingly submit a deed for this property.

(A true Extract.)

Secretary.

To T. PYCROFT, Esq., Chief Secretary to Government.
Copy to Collector of Coimbatur.

Exd. J. Wright.

R. Pro. 23d September 1859
No 33:34

4-8-17

No 75 & 76.

Rev: 1860 Depart.
Pro: of Govt 20th March.

No 298.

Proceedings of the Board of Revenue

Dated 4th
Desp. 10
Rec. 10th } February 1860
Encl. with 4 Copies
5 Encls.

No 005.

From the Bd of Rev. dd 24th March 1860. C. No 642.

Submitting for orders with the Board's observations a letter from the Collector of Coimbatore forwarding 2 applications from persons residing at Attakamund for permanent pattahs for their properties.

From Do dd 11th Decr No C No 2958 in Pro: 19th Dec. No 2449

No 403. 16th March

With an order

11 Copies to the Bd of Rev: Civil & Mily
Secretary to Govt

Hd Qrs Gen
16th March 1860

No 403.

On the question raised
by the Board in their Proc. of
Govt. resolving to direct that
when a transaction of land
in any of the Nilgiri Stations
desires to redeem the land he
or it, whether the land shall
have been obtained from
Govt. or from a native holder
-der"; he shall be permitted
to do so at the rate of the
tax or assessment then acting
towards, without reference to any
contingent liability to the
higher rate of tax on one
Class, on his erecting a House -