M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2488 Press / Mis.

377-378

Dated 26 — 11 — 19 1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 26th November 1862.

No. 317. Read the following Proceedings of the Board of Revenue, dated 27th October 1862, No. 7,110:—

Read Proceedings of the Madras Government dated 12th September 1862, No. 1,943, Revenue Department, requesting the Board to report how they would propose to meet the difficulty connected with the Budget regarding the adjustment of certain items pointed out by the Accountant General.

(In Cons. 13th September 1862, No. 5,867.)

The Board's object in directing that lands which cannot otherwise be sold for arrears of revenue should be *pro forma* purchased on behalf of Government at a price equal to the amount of arrears was, to secure the proprietary right in the lands, and to obviate any future objections on the part of the defaulter or his heirs to the assignment of the lands to others for cultivation. The purchase is nominal, and formerly this charge was, the Board presume, debited to the head "Sales and purchases of land" crediting the sale proceeds at the same time to the revenue demand. The maintenance of this course however is unnecessary, and the transactions need not be shown in the accounts at all. The lands may still be purchased *pro forma* on behalf of Government for the purpose already stated, but the arrears in such cases my be treated as irrecoverable and sanction obtained for their remission in the usual course. Under this arrangement it will not be necessary to exhibit any charge in the accounts, and if the Government approve of the suggestion, instructions will be issued to the Collectors accordingly.

(A true Extract.)

(Signed.) C. G. MASTER,
Acting Sub-Secretary.

No. 318. ORDER THEREON, 26th November 1862, No. 2,488.

1. The Board of Revenue having in their Standing Circular No. 3,851, dated 16th June last, ruled that in all cases in which the highest bidding for lands put up for sale in satisfaction of arrears of Land Revenue, may not amount to the Government demand on them, they should be purchased by the Collector for an amount equal to the arrears of revenue on behalf of Government and the proprietary right secured, the sale proceeds being credited to the Revenue demand, and the purchase money debited under the proper head; the Accountant General requested in his letter dated 27th August 1862, No. 180, that estimates for these payments might be submitted to the Government of India as no provision was made for them in the Budget.

Order dated 12th September 1862, No. 1,943.

The Board of Revenue were requested to report how they would propose to meet the difficulty.

2. The Proceedings recorded above contain the Board's reply. They propose not to show the transactions at all in the accounts and to treat the arrears in cases in which the purchases may be made by Government as irrecoverable, and recommend them for remission in the usual course.

3. The Government are unable to concur in the views of the Board.

4. They consider that as a general rule the proper course is to sell the lands to the highest bidder and credit the defaulter with whatever sum they may *bonâ fide* fetch at public auction. If no bid is made, the lands should be purchased on behalf of Government at a nominal price, which in like manner should be credited to the defaulter. The difference in both cases between the sum realized by the sale of the lands and the arrear due by the defaulter should be written off as irrecoverable, if no other property can be made available for its recovery.

5. The Government see no reason why the full amount of arrears should be bid by Government when private purchasers do not come forward. The right of Government will be as good if a nominal sum be formally bid and accepted at the time of auction on their behalf. Further, by bidding the full amount of arrear it would be impossible to confine the defaulter under Section XXIV of Act 39 of 1858.

6. No provision need under this rule be made in the Budget, as there will be no disbursement of public money.

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

Revenue Department -

No 2688 88

Proceedings of the Madras Government under date the 26th November 1862

Read the following Proceedings of the Bd of Revenue -

Reporting how the Board propose to meet the difficulty connected with the Budget regarding the adjustment of certain items pointed out by the Accountant General -

(Here enter 27th Octr/62 No 7110)

1 The Board of Revenue having in their Standing Circular No 3851, dated 16th June last ruled that in all cases in which the highest bidding for lands put up for sale in satisfaction of arrears of Land Revenue, may not even amount to the Govt demand on them, they should be purchased by the Collector for an amount equal to the arrears of Revenue, on behalf of

of Government and the proprietary right secured, the sale proceeds being credited to the Revenue demand, and the purchase money debited under the proper head; the Accountant General requested in his letter dated 27th August 1862, No 180, that estimates for these payments might be submitted to the Govt of India as no provision was made for them in the Budget. The Board of Revenue were requested to report how they would propose to meet the difficulty.

2. The Proceedings recorded above contain the Board's reply. They propose not to show the transactions at all in the accounts and to treat the arrears in cases in which the purchases may be made by Govt as irrecoverable, and recommend them for remission in the usual course.

3. The Govt are unable to

Order dated 12th September 1862 No 1943.

to concur in the views of the Board.

They consider that as a general rule the proper course is to sell the lands to the highest bidder and credit the defaulter with whatever sum they may bonâ fide fetch at public auction. If no bid is made, the lands should be purchased on behalf of Govt at a nominal price, which in like manner should be credited to the defaulter. The difference in both cases between the sum realised by the sale of the lands, and the arrear due by the defaulter should be written off as irrecoverable, if no other property can be made available for its recovery.

The Govt see no reason why the full amount of arrears should be bid by Govt when private purchasers do not come forward. The right of Govt will be as good if a nominal

nominal sum be formally bid, and accepted at the time of auction, on their behalf - By bidding the full amount of arrears it would be impossible to confine the defaulter under Sect xxiv of Act 39 of 1858.

No provision need under this sub-head be made in the Budget, as there will be no disbursement of public money.

J. W. S.

14 Board of Revenue Dept 27.
3 - Accountant General

Revenue/862 Dep.tt.
Rec: of Govt for a Year

No 2488.

Rec: of the Madras Govt
Dep.tt 26th Nov.r/62.

Rec: 23rd of Dec.r forwarding
Counter would propose to
meet the difficulty related by
the Board for to provide funds
in the Budget for purchase
on behalf of Government
of Lands, sub.t to for sale in
satisfaction of Arrear of
Land Rev.e, with orders
thereon.

Pro. No. 181-182
12-9-62

N-317+318

Sale of Lands in Salem
for retention of Arrears of Land Rev.e

28-3-63

26-11-63