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M.R.O. 14-10,000-21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 682

Press
Mis.

362. 363

Dated

21. 3. 1862

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
21st March 1862.*

No. 362. Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Chepauk, 11th January 1862, No. 278 :—

SIR,

In Cons. 17th October 1861, No. 6,601. 1. In their Proceedings, No. 1,998, dated 16th October 1861, Government communicated to the Board "for information and guidance, and to be communicated to all Collectors" copy of a letter from the Government Pleader, in the concluding paragraph of which he advised that "prior to registering any transfer of land, whether between Mahomedans or Hindus or European British subject, a conveyance, deed or instrument duly stamped should be produced to the Collector."

2. On the strength of this apparently approved opinion, the Collector of Coimbatore has notified in his District Gazette to all Tahsildars that no change of Pattas is to be made without the production of such stamped deed of conveyance between the parties, and the Collector of Nellore has requested to be informed whether he is "to insist on all transfers perfected after the 1st October 1860, being supported by a duly stamped instrument."

3. No doubt this is the legitimate conclusion to be deduced from Mr. Dale's opinion, and the Board are not prepared to say that any objection attaches to the principle of the ruling where the land is of such quality and so assessed that an actual value attaches to the right of occupancy, without which it would not be transferred, but still they are not satisfied that Government intended so extensive an application of the principle, and they entertain some apprehension that its effect at first may be to reduce the value of land by clogging it with an unacceptable condition.

4. They, however, cannot but admit that the rules seems calculated to afford additional stability to dealings in land, and such a result must prove beneficial to the Ryot in the end, while it will be more readily attained by undeviating uniformity of practice.

5. They request to be informed whether Government approve of the rule being applied in the manner proposed, as in that case they will issue instructions to all Collectors on the subject.

No. 363. ORDER THEREON, 21st March 1862, No. 632.

1. The Government believe that under Hindu and Mahomedan Law, deeds are not requisite for the conveyance of immovable property, and it is a question, therefore, whether Government can refuse to recognize transfers of assessed land between Hindus and Mahomedans unless supported by formal deeds duly stamped.

2. The Board are requested to confer with Mr. Dale on this point, and also to give their opinion as to the effect which the present duty on conveyances would leave on such transfers.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

No of 16th Oct / 51 No 212-213

Recd 1801 20th March
George Fox Esq March

From
The Secretary to the
Board of Revenue
To
The Secretary to
Government &c. &c.

Dated 11th January 1862
Doyle 11th 2
No 212-213
No 278

No 362 & 363.

Regarding to know if the
intention of Govt in these Progs
of 16th Oct / 51 respecting transfer
of land being executed or
whether parties were intended
by Govt to be of general ap-
plication.

No 362 9th March 1862
William Beeton

632 No 632

The Government
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and Mahomedan Law, Lands
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and it is a question therefore
whether Government can refuse
to recognize a conveyance of im-
movable land between Hindus
and Mahomedans unless such
is stamped by formal deeds duly
stamped.

The Board are re-
solved to confer with the Law
on this point and also to give
their opinion as to the effect
which the present duty on
conveyance would have on the
transfers.

In Copy to the Bd of Rev. 21st 3rd
Govt of Bengal

21st 3rd 1862

21st 3rd 1862