

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1168	Press ~~118.~~
35. 36 37,	
Dated	2 - 7 - 19 1863

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
2nd July 1863.*

Read the following :—

No. 35. Proceedings of the Board of Revenue, dated 14th March 1863, No. 1,527.

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Chettipore, 9th December 1862, No. 303.

Sir,

1. I have the honor to state that a Petition has been addressed to me by the Sheristadar of the District regarding the purchase of waste lands by public servants at competitive sales under the recent orders of the Secretary of State.

2. The Sheristadar conceives that Section 11 of the Rules lately promulgated by the Board is not applicable to purchases of land under these orders, seeing that the objections which render it inexpedient that public Officers should purchase lands sold in satisfaction of revenue default, and the like, cannot be urged against the purchase of waste lands which are brought to competitive sale simply because they are waste and not in satisfaction of any public or private interest. Under these circumstances the Sheristadar is anxious to know whether his application to purchase and reclaim 1,290 Acres of swamp land must be withdrawn in consequence of the orders lately circulated by the Board.

3. As I do not consider the rules based on Section 20, Regulation XXVI of 1852, and Regulation VI of 1852, were intended to refer to the case in point, I beg to have the Board's instructions on the subject; it would I submit be carrying precautionary rules to a needless stretch of severity to give them such an effect, and public servants will feel keenly the implied distrust which denies to them a highly valued privilege on no other or higher grounds.

4. As the Supreme Government have some time since approved the rules put in force by the Government of Bengal for the sale of waste lands, I take this opportunity to request the permission of the Board and Government to proceed to the sale of such lands as I may be able to have surveyed.

1. Ordered to be submitted for the decision of Government.

2. The rules for the sale of unassessed waste land to some extent replace the previously existing system of obtaining such land on Puttah, subject to an annual assessment which it was always hitherto competent to any Native Government servant to do, and the objections against the purchase by Government servants of lands sold in realization of public dues do not appear to the Board to apply to the purchase of unassessed waste under the new rules.

3. The wording of Regulation VI of 1852 is however so general that it seems desirable that Government should decide in the matter.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, Secretary.

No. 36. Proceedings of the Board of Revenue, dated 19th March 1863.

Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Chettipore, 7th March 1863, No. 36.

Sir,

Several applications having been presented by public servants for grants of lands under the rules for the sale of unassessed waste lands, I have the honor to request an early reply to my letter of the 9th December last, No. 303, requesting the Board's instructions as to whether the Uncovenanted Servants in the Revenue and Magisterial Departments are to be allowed the benefit of these rules.

Submitted to Government in continuation of Board's Proceedings, dated 14th March 1863, No. 1,527.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, Secretary.

is not clear whether a reply is to be

Proceedings of the Madras Government, Revenue Department,
2nd July 1863.

No. 37.

ORDER THEREON, 2nd July 1863, No. 1,163.

1. The Sheristadar of the Collector of Ganjam wishes to purchase 1,200 Acres of waste land under the new rules, and the question submitted to Government is whether he is barred from doing so by Regulation VI of 1832, and Regulation XXVI of 1802.

2. The latter Regulation prohibits "Native officers of the Cutcheries of Collectors" from purchasing "lands sold at public sale in Districts in which they may be employed." It was doubted whether this prohibition applied to lands not held on Zemindari tenure, and Regulation VI of 1832 was enacted to remove this doubt. It declares that the prohibition is "applicable to lands of every description sold at public sale by or under the orders of a Collector."

3. General and comprehensive as these terms are, it is quite clear that both Regulations apply exclusively to lands belonging to private individuals, sold by Collectors for arrears or in satisfaction of Court Decrees, and not to Government land sold as unassessed waste is under the new rules. There is nothing in the Regulations, therefore, to prevent a Native public servant from purchasing land at sales held under these rules.

4. But it does not follow that such purchases as the Sheristadar of Ganjam contemplates should be permitted.

5. A Deputy Collector cannot acquire land in any part of his District for agricultural purposes. A Tahsildar and a Sub-Magistrate cannot hold land in his Talook—and although a Sheristadar is only a ministerial officer, and the same reasons do not altogether apply in his case as in the case of officers vested with large judicial powers, it certainly is not desirable that a Sheristadar should enter so largely into agricultural pursuits as a purchase of 1,200 Acres of land implies.

6. Government do not object to their Native servants holding family lands, and investing their savings in moderate purchases of land. But to check abuse of this permission and to prevent their acquiring an undue extent of land, attention to which would interfere with their public duties, they are required to give lists of the lands which they hold in order that Government may judge whether their continued employment in the same District is expedient. The Government have no hesitation in deciding that such an agricultural speculation, as that contemplated by the Sheristadar of Ganjam, cannot be permitted, and that he would have to be removed if he purchased land of this extent in Ganjam.

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

No 1163
Pro: of the Madras Govt
2nd July 1863
The following is the
order of the Govt
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Land under the
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~~Such an interference
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the 14th will be
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6) Just as we desire to their nature
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of this permission & to prevent their
acquiring an undue estate of land,
which would interfere with their public
duties they are required to give back
any large acquisition, in whole or in part, to
the land which they sold. They are
then to be paid, or to be permitted to
sell to the removed if the purchased land of the
removed is to be removed.

1

14 Charles St. N. E. Boston. Oct 22/92

person that I have had no more to do with removed if he purchased land of his own
that Mr. E. purchased a little portion, so that we can't remove it.

