M.R.O. 14—18,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 477 Press ~~Mis.~~

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Dated 6 3 ~~19~~ 863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 6th March 1863.

Read again the Proceedings of the Board of Revenue, 26th January and recorded in Proceedings of Government, 5th February 1863, No. 251 :—

No. 63. Read also the following letter from F. S. CHILD, Esq., Session Judge of Cuddapah, to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated Cuddapah, 11th February 1863, No. 16.

SIR,

1. I have the honor to acknowledge the receipt of the Proceedings of Government, dated the 5th February 1863, relating to the sale of the site of the former Paper Manufactory attached to the Jail at Cuddapah.

2. The circumstances of the case are briefly as follows :—

Soon after my arrival in June last the Collector personally drew my attention to the unused and nearly ruinous Paper Factory attached to the Jail as being not only unslightly but absolutely a nuisance which he had long wished the Judge to remove ; accordingly as the buildings were ruinous and the Paper Factory permanently discontinued, I had the buildings removed and the ground levelled by a gang of prisoners, the building materials being sold by auction. The Native Surgeon wished to have the site granted to him to build a house on, and I should have been very glad had it been given to him for that purpose, but as the ground belonged to the Jail I considered that the Inspector of Jails was the authority to be applied to, and I recommended the transfer to the Native Surgeon, at the same time mentioning that there was no doubt the ground would sell well ; previously to writing to the Inspector of Jails I wrote to the Collector to learn whether the land was assessed land or Gramanathum, *i. e.*, building land belonging to a suburb of the town of Cuddapah.

3. The Inspector of Jails directed the land to be sold, and after some months and with due notice in the Gazette the land was sold on the 31st to the highest bidder, some merchants, who I am told intend setting up an English shop for which the site is remarkably well situated, being along the road, high and artificially raised, and a high price was received for it.

4. The only communication between the Collector and myself on the matter has been a remark made by him at the end of his official letter some months ago, as to whether the spot should be occupied or not, and a short private conversation one morning at the same time on the same subject as well as on the abstract question of the ownership of Gramanathum land.

5. If the Collector had intended to raise any question regarding the sale, as he has done, it appears to me to be a pity that he did not give me notice on the subject when he saw the land advertised for sale, if not before, for he must have been aware of the intended sale, months before any notice appeared in the District Gazette, and that he intended to raise the question I had not the remotest idea till the receipt of the Proceedings under reply which have been received eight days after the sale has taken place. Of course had I been informed even privately that the question was to be raised the sale would have been postponed till it had been decided. The only objection raised seems to be whether a Department shall part with property belonging to that Department and place the sale proceeds to its credit or simply make it over for the Collector to dispose of, and it appears to me that there is no difference between the building itself or the building materials and the land on which it stands.

6. With regard to the note at the foot of the Collector's letter regarding the space being left open for purposes of ventilation, I think right to observe that the site is an oblong piece abutting on the road a short distance, above half a mile from the town of Cuddapah, and the ground opposite and on one side is entirely open, and even on the other sides there are no buildings whatever adjoining it.

7. Copies of the letter to the Inspector of Jails and his reply, and of my letter to the Collector and his answer are herewith forwarded.

From F. S. CHILD, Esq., Session Judge of Cuddapah, to A. WEDDERBURN, Esq., Magistrate of Cuddapah, dated Cuddapah, 3rd October 1862, No. 143.

SIR,

I have the honor to request that you will be so good as to inform me under what head the ground occupied by the old paper buildings is entered in your accounts; and what would be the tenure under which any party either purchasing it or otherwise obtaining possession of it from the Officer in charge of the Jail would hold it.

From A. WEDDERBURN, Esq., Collector of Cuddapah, to F. S. CHILD, Esq., Session Judge of Cuddapah, dated Cuddapah, 18th October 1862, No. 569.

SIR,

1. In reply to your letter No. 143, of 3rd instant, I have the honor to inform you that the ground on which the Jail paper buildings were built is "Gramnathum," and is not subject to assessment.

2. A private person wishing to lease the land could have it at an average of the adjoining rates of land under cultivation, and be able to buy it at twenty years' purchase of such assessment. In the event of the land being disposed of by sale as it now lies, it would have to be put up to auction, but if a previous lease were secured, the lease holder would be entitled to purchase at twenty years' value of the assessment.

Note.—I would not recommend the ground being leased for building purposes, as the advantage of an open space for ventilation is obvious.

From F. S. CHILD, Esq., Session Judge of Cuddapah, to the Inspector General of Jails, dated Cuddapah, 7th November 1862, No. 1.

SIR,

1. The Native Surgeon stationed at Cuddapah has applied to me for a piece of land at a distance from the Jail, and lately occupied by the pits in which the Paper manufacture was formerly carried on. Since the manufacture of paper by the prisoners was put a stop to as unremunerative the buildings had fallen into such a state of dec as to be a public nuisance and they have been removed, and the piece of ground is therefore unoccupied.

2. It is a Gramanathum or village site land, and the Native Surgeon although he has been stationed here from four years has not yet been able to provide himself with a house.

3. He is desirous of this piece of ground being made over to him, and as it is of no use any longer to the Jail and is most centrally situated, I am very desirous that he should be permitted to take it.

4. It is very possible, indeed there is no doubt but that it would fetch a certain price in the market, but I am of opinion that Government would not object to the ground being made over to the Native Surgeon who is a resident of Cuddapah, and has a certain right to a portion of the unoccupied Gramanathum land for building on.

5. As however the land is now the property of the Jail I have thought it necessary to receive your sanction before making over the ground to him; the ground measures length 88 yards, breadth 19 yards.

6. As there will be certain alterations and repairs soon required in the Jail, and as I have heard rumours to the effect that before long the present Cuddapah jail will be taken away and a new one built, I shall be much obliged if you will let me know whether there is any foundation for such a report.

From J. ROHDE, Esq., Inspector General of Jails, to F. S. CHILD, Esq., Session Judge of Cuddapah, dated Ootacamund, 19th November 1862, No. 602.

SIR,

1. In acknowledging your letter of the 13th instant, I have the honor to state that the only condition on which the old buildings and ground could be made over without sale to the Surgeon would be as a loan, and that on his vacating the appointment the buildings should be removed.

Proceedings of the Madras Government, Revenue Department,
6th March 1863.

2. Probably the better plan will be to sell the site with such buildings as remain on it by auction, and credit the amount in the Jail Contingent Bill.

3. The only new Jails sanctioned are Central Prisons at Vizagapatam and Coimbatore, and a small District Jail at Chatterpore, and I have received an intimation that no more money can be spared.

4. In any repairs of the Cuddapah Jail the outlay should be limited to patching it up for a few years' use, as I hope to relieve you of all long term prisoners.

(True Copies.)

(Signed) F. S. CHILD, *Session Judge.*

No. 64. ORDER THEREON, 6th March 1863, No. 477.

1. In his letter of 22nd January 1863, No. 9, submitted with the first of these papers, the Collector of Cuddapah raised the question whether, when a Department occupying Government rent free land for public purposes ceased to require the land for those purposes, it could sell the land and credit itself with the proceeds, or whether the land should be held to revert to the Government to be disposed of by the Collector. The cause of the reference was an advertisement issued by the Civil and Sessions Judge of the sale of a piece of land formerly occupied by a Paper Manufactory which was attached to the Jail, but subsequently given up as unprofitable. The land in question was part of the "Gramanuttum," or village site, and beyond the precincts of the Jail premises.

2. The Board of Revenue concurred with the Collector that "the disposal of Government land, assigned for public purposes, but no longer required for them, should be left to the Collector of the District, who is the local representative of the Executive Government, *especially* where, as in the present case the land forms part of the village site."

3. The Government called* on the Judge to explain under what circumstances and authority the land was sold.

* G. O. 5th February 1863, No. 251.

4. The Judge in the second of the papers above recorded explains that he acted under instructions from the Inspector General of Jails, and that had the Collector given him notice that he intended to refer the question which he has raised, the sale would certainly have been postponed. He also submits copy of a letter which he addressed to the Collector enquiring on what terms the land would be held by a person buying or otherwise obtaining possession of it from the Jail Department. The Collector in his reply made no other objection than to the disposal of the land for building purposes, and this objection was based on the advantage of keeping the land clear for the sake of ventilation.

5. The Government consider the explanation furnished by the Judge to be quite satisfactory. But the instructions given by the Inspector General of Jails, viz., "to sell the site with such buildings as remain on it by auction and credit the amount in the Jail Contingent Bill," are altogether wrong.

6. Land on which Government buildings are placed belongs to the Government and not to the Department whatever it may be which occupies the buildings. No public Officer can sell such buildings or land without the previous sanction of Government, and certainly the proceeds of the sale of the property cannot be treated in the manner suggested by the Inspector General without special permission. In the present case but for the accident of the Collector's reference, the Government would never have known that its land had been sold; and they do not yet know either what it realized, or how the proceeds are to be expended.

7. To prevent future misunderstandings the Governor in Council directs that the sale of Government land and buildings when *expressly* sanctioned by them should as a general rule be left to the Collector of the District, who generally is best acquainted with the matter; but it should at the same time be open to other Departments to apply for permission to sell the land, &c., themselves when they see cause to recommend such a measure, the sale proceeds in either

case being credited to the Revenue and not to any specific Department. This rule would of course 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.

8. In the present case the money should be refunded by the Jail Department and credited to Government in the Collector's accounts; and application should be made by the Collector for a permanent Title Deed in the name of the purchaser, whose title is at present invalid.

(Signed.) J. D. SIM,

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Note

~~Hon Chic~~

The Chief Secd.

-daph in his letter

of 22d ult. raised

the question whether

when a ~~Public~~ Dept

occupying pt. Govt-

-free land for public

purposes ceased &

require the land for

~~the~~ purposes, it could

sell the land & credit

itself with the proceeds

or whether the land

should be held to

remain & the ~~Govt~~ first

to be disposed of by

the Coll. The cause

of the reference was

an advertisement

issued by the C & S.

Hd appears to me perfectly
clear that the Inspector Genl
should act with respect to land
on which Govt buildings are
placed belongs to the Govt
& not to the Department
whatever may be their
occupies the buildings & this
rule should be made general
which gives to the Collector
as agent for the Govt in each
district sole power & duty
to dispose of land & buildings
generally of Govt each pro-
perly & the money arising
from the sale being paid to
to the Revenue & not to any
specific dept at the
same time no property
should be sold without
the leave of the Govt & such
leave must be given not
implied -
That the Collector ought to
have brought the circum-
stances before the Govt
at an earlier date &
Mr Rohde should be told
that his conduct in
selling Parkinson was
unsupported

of the sale of a piece
of land formerly
occupied by a
paper Manufactory
which was
attached to the Jail
but subsequently
given up as unpro-
fitable. The land
in question was part
of the "Granary Lotts"
or Village Lots &c.
-yond the precincts
of the Jail premises.

The Ld. concurred
with the Atty Genl that
"the Right of pro
land, assigned for
Public purposes, but
no longer required
for them, should be
left to the Atty of the
District, who is the
local representative
of the Executive Govt,
especially where, as
in the present case
the land forms part
of the Village site."

The Jail called
on the Judge to Ex-
plain under what
circumstances &
authority the land
was held.

The Judges explains
that he acted under
instructions from
the Inspector Genl
of Jails - and that
had the Atty Genl given
him notice that he
intended to raise
the question which he
has done, the Sale
would certainly have

postponed - He also
submits copy of a
letter which he addr.
dressed to Mr. Cu.
-perior on what
terms the land could
be let d by a person
buying or stri-
-king obtaining possession
if it from the Jail
Dept. The Colr in
his reply started
no other objection than
to the disposal of the
land for building
purposes & this objec
-n. Insisted on the
advantage of keeping
the land clear for
the sake of health.
Later -
The Jun Rei Explo

Explanation seems to
quite satisfactory -
But the instructions
given by the Inspector
Genl of Jails - viz "to
sell the site
with such buildings
as remain on it
by auction & credit
the amount in the
Jail Contingent
Bill" seem to be
altogether wrong -
No public officer
can sell buildings
or Land belonging
Govt without the
previous sanction
of Govt - and certainly
the proceeds of the
sale of such property
cannot be treated
~~on the same~~

if in the manner
suggested by the Justices
put in that special
permission - In the
present case but
for the accident of
the letter reference,
the first would never
have known that
its land had been
sold - and they
do not yet know
either that it has
been sold or how the
proceeds are to be
expended -

As a general
rule, I think, the
sale of pub. land
and buildings and letters
be left to the Com.
of the District who
generally is best ac-

quainted with the
matter - but it should
at the same time
be open to other persons
to apply for permission
to sell the land or other
- like property
Lee cannot to re-
-commend such
a measure - This
rule would of course
not apply to the
sale of building ma-
-terials or other such
property - but only
to land or buildings
in the city where
it lies or they stand.
In the present
case I think the
money should be
refunded & credited
to pub. in the Com. ac.
Come to and ob-

-plication made
for a permanent
Title deed in the
name of the pur-
-chaser - whose title
is at present in-
-valid.

Orders requested

S.N.S

Revenue Department

No. 477.

Proceedings of the Madras Government
dated the 6th January 1863.

Read again the Proc:
of the Board of Revenue dated
26th January 1863 and record-
-ed in Proc: of Govt dated 6th
February 1863 No. 261.

Read also the follow-
-ing letter from the Collector
of Cuddapah:-

Submitting his ex-
-planation regarding the
sale of the depot of ground
formerly occupied by a
paper manufactory at Madras
to the late at Cuddapah.

(Here enter 11th Feb 1863 No. 167)

1. In his letter of 22nd
January 1863 No. 9 submitted
with the first of these pa-
-pers, the Collector of Cuddap:
-pah raised the question
whether, when a depart-
-ment occupying Govt land
free land for public pur-
-poses ceased to require the
land for those purposes,
it could sell the land and
credit itself with the pro-
-ceeds, or whether the land
should be held to revert

to the Govt to be disposed of by the Collector - The cause of the reference was an advertisement issued by the Civil and Sessions Judge of the sale of a piece of land formerly occupied by a paper manufactory which was attached to the jail, but subsequently given up as unprofitable - The land in question was part of the "Granaium" or Village site and beyond the precincts of the jail premises -

2. The Board of Revenue concurred with the Collector that "the disposal of Govt land assigned for public purposes, but no longer required for them, should be left to the Collector of the District, who is the local representative of the Executive Govt, especially where as in the present case the land forms part of the village site."

3. The Govt called on the Judge to explain under what circumstances and authority the land was sold -

4. The Judge in the second of the papers above recorded explains that he acted under instructions from the Inspector General of Jails - and that had the Collector given him notice that he intended to sell the question which he has raised the sale would certainly have been postponed - He also submits copy of a letter which he addressed to the Collector enquiring on what terms the land would be held by a person buying or otherwise obtaining possession of it from the Jail Department - The Collector in his reply raised no other objection than to the disposal of the land for building purposes, and this objection was based on the advantage of keeping the land clear for

× G.O. 5th February 1863 No 257 -

for the sake of evacuation.

5. The Govt consider the explanation furnished by the Judge to be quite satisfactory. But the instructions given by the Inspector General of Jails viz. "to sell the site with such buildings as may remain on it by auction and retain the amount in the Jail contingent bill" are altogether wrong.

6. Land on which Govt buildings are placed belongs to the Govt and not to the Department to which it may be which occupies the buildings. No public officer can sell such buildings or land without the previous sanction of Govt - and certainly the proceeds of the sale of the property cannot be treated in the manner suggested by the Inspector General without special permission. In the present case but for the accident of the Collector's reference which however ought to have been made at an earlier date, the Govt would never have known that its land had been sold; and they do not yet know either what it realized, or how the proceeds are to be expended.

7. To prevent future misunderstandings it is requisite that the sale of Govt land and buildings when sanctioned by them should be conditional and a general rule be left to the Collector of the District who generally is best acquainted with the matter - but it should at the same time be open to other Departments to apply for permission to sell the land &c when themselves when they see cause to recommend such a measure - the sale proceeds in either case being credited to the Revenue and not to any specific Department - that

rule would of course not apply to the sale of building materials or other such property - but only to land or buildings with the title on which they stand -

8. In the present case the money should be expended by the Jail Department and credited to Govt in the collectors accounts, and application should be made by the Collector for a permanent title deed in the name of the purchaser whose title is at present invoked -

J D S

12 Copies Letter Box Revd Sept 7th
1 " Superintendent of Buddapah
1 " Inspector Genl of Jails
5 " Public Dr Sepd
5 " Jail Sepd
11 " Malabar Dr
20 " P W Sepd

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11-5-94
15-4-99

Pro. No. 58-59
5-2-63

Revenue 1863 Dept.
Pro: of Govt for March

No 477.

Pro: of the Madras Govt.
Dated 6th March 1863.

Pro of the Madras Govt in the Military Dept. of 28 April Ct 1855
No 371 Dept. of 22nd Sept 55
Ct No 254-

The explanation of the Civil Judge of Cuddapah under what authority he sold in public auction a spot of ground of the description, with orders thereon-

1763-64.