M.R.O. 14—18,000—27-9-34.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 157 Press ~~Mis.~~

73-74

Dated 15-7-1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 5th July 1864.

No. 73. Read the following Proceedings of the Board of Revenue, dated 21st June 1864, No. 3,812.

Read the following letter from the Collector of Coimbatore, dated Ootacamund, 10th June 1864, No. 125 :—

1. In September 1863, Mr. H. R. Grimes applied for two pieces of land of about 500 Acres each in the Orange Valley near Kotagherry. The usual preliminary inquiries were instituted, and the sale being found unobjectionable, the demarcation of the boundaries was carried out, and a notice announcing the intended sale after three months was published on the 10th October 1863. As the land was not then surveyed, the condition prescribed in Clause 3rd, paragraph 3 of the Government Order of 28th February 1863, No. 439, was duly introduced in the Notice, viz., that the purchaser should abide by the Order of Government as to any excess or deficiency of area which might be found in each lot on survey, and that in the latter case, a ratable reduction would be made in the purchase money. The cost of survey and demarcation was estimated at Rupees 320 for each lot, and this sum was taken as the upset price, as enjoined in Clause 13 of the Rules passed by Government on the 6th March 1863, and numbered 478A. On the expiration of the three months prescribed in the Notice, the two lots in question were put up to auction separately on the 11th January 1864, the area of the land declared at the time of sale being 500 Acres each. Mr. Grimes being the highest bidder became the purchaser of both lots for the following sums, viz. :—

Lot No. 1...	...	Rupees	4,000
Lot No. 2...	...	„	3,500

The two lots have since been surveyed and are found to contain

	Acres.	Roods.	Perches.
Lot No. 1...	44	0	1,760
Lot No. 2...	109	1	32

It now becomes necessary that the condition entered in the Notice should be enforced, and I request sanction for a ratable reduction being made in the purchase money.

2. Mr. Grimes has now sold the two lots to Mr. T. Newill, who has produced the Deed of Sale for registry. It appears to me that the Title Deed to be issued by Government should be in the name of the purchaser Mr. Grimes, and that the transfer should be registered afterwards. I beg to be informed whether I am right in this view.

3. I take this opportunity of requesting the Board's orders as to whether in cases of deficiency in the area of land, as is the case in the instance now reported, the special sanction of the Board in each instance is required for making the ratable reduction, or whether the Collector may complete the transaction on his own authority.

The Board have no doubt that the Collector is competent to make the ratable reduction in the purchase money, when on survey the area of land is found to be less than was notified in the sale advertisement, and that the Title granted by Government should run in the name of the original purchaser.

No. 74. ORDER THEREON, 5th July 1864, No. 1,157.

Land Revenue.

The Board are correct in their view of the question referred in paragraph 2 of the Collector's letter, but they will call upon Mr. Grant to explain the extraordinary difference between the actual and estimated areas of the land sold, and to submit the actual survey measurements.

(True Extract.)

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

To the Board of Revenue.

Exd. S. T. Augustin.

No. 3,812.

Proceedings of the Board of Revenue, dated 21st June 1864.

Read the following letter from the Collector of Coimbatore, dated Ootacamund, 10th June 1864 No. 125 :—

1. In September 1863, Mr. H. R. Grimes applied for two pieces of land of about 500 acres each in the orange valley near Kotaghorry. The usual preliminary inquiries were instituted, and the sale being found unobjectionable, the demarcation of the boundaries was carried out, and a notice announcing the intended sale after three months was published on the 10th October 1863. As the land was not then surveyed, the condition prescribed in clause 3rd, paragraph 3 of the Government Order of 28th February 1863, No. 439, was duly introduced in the notice, viz., that the purchaser should abide by the Order of Government as to any excess or deficiency of area which might be found in each lot on survey, and that in the latter case, a rateable reduction would be made in the purchase money. The cost of Survey and Demarcation was estimated at Rupees 320 for each lot, and this sum was taken as the upset price, as enjoined in Clause 13 of the Rules passed by Government on the 6th March 1863, and numbered 178A. On the expiration of the three months prescribed in the notice, the two lots in question were put up to auction separately on the 11th January 1864, the area of the land declared at the time of sale being 500 acres each. Mr. Grimes being the highest bidder became the purchaser of both lots for the following sums, viz.,

Lot No. 1	Rupees	4,000
Lot No. 2	,,	3,500

The two lots have since been surveyed and are found to contain

	Acres.	Roods.	Perches.
Lot No. 1	44	0	1,760
Lot No. 2	109	1	32

It now becomes necessary that the condition entered in the notice should be enforced, and I request sanction for a rateable reduction being made in the purchase money.

2. Mr. Grimes has now sold the two lots to Mr. T. Newill, who has produced the Deed of Sale for registry. It appears to me that the Title Deed to be issued by Government should be in the name of the purchaser Mr. Grimes, and that the transfer should be registered afterwards. I beg to be informed whether I am right in this view.

3. I take this opportunity of requesting the Board's orders as to whether in cases of deficiency in the area of land, as is the case in the instance now reported, the special sanction of the Board in each instance is required for making the rateable reduction, or whether the Collector may complete the transaction on his own authority.

The Board have no doubt that the Collector is competent to make the rateable reduction in the purchase money, when on Survey the area of land is found to be less than was notified in the sale advertisement, and that the title granted by Government should run in the name of the original purchaser.

(A true Copy and Extract.)

Secretary.

To P. Grant, Esq., Collector of Coimbatore.

Copy to J. D. Sim, Esq., Secretary to Government, R. D., for information,

Exd. J. Wright.

Pro 28 February 66 — A 432.
6 March — 433 — 66 A 66 B

Rev. 1864. Department
Pro. of Govt for July.

No. 1648.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 21st June 1864.
Rec'd 23 —
Rel'd 24 —
3 Encs

No. 3,812.
Pro Board of Rev. &
25 July 64 Encl 196

Stating that the Collector is competent to make the rateable reduction in the purchase money referred to, and that the Title Deed should be in the name of the original purchaser.

No 1157 — July

9 Feb 73 to 74.

Ex of Surveys Reg

9 — 1157.

In their view of the question ex-
-pressed in para 2 of the Collector's
letter, but they will call
upon Mr Grant to explain
the extraordinary difference
between the actual and esti-
-mated areas of the lands
sold —

I should like to see actual Survey
measurements —

J. P.

Mr. W. George
5 July 64.

W. Capt Forbes 2 J Rec Engr 6 July