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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	14	Press
B.P. No.		Mis.
Dated 2-7-1874 196 .		

OK Not to be folded or roughly handled

No. 490. Read the following endorsement
30th May 1

the Revenue Department, dated

Proceedings of the Court of Wards, dated 20th May 1874, No. 1,174:—

Read the following letter from A. McC. WEBSTER, Esq., Acting Collector of Madras, to J. GROSE, Esq., Sec. to the Court of Wards, dated 31st March 1874, No. 50:—

I HAVE the honour to address the Board on certain points in connection with the compensation payable to the Court of Wards for a piece of ground and bungalow in Madras, part of the Arnee Estate now under their management and taken up for the Carnatic Railway.

2. On the 16th September 1873, the Government published a declaration (Enclosure 1, copy of G. O.) under Section 6 of the Land Acquisition Act X. of 1870, that this property was needed for a public purpose, viz., the Carnatic Railway, and at the same time directed the Collector of Madras or his Deputy to take order for its acquisition.

3. On the 26th September, the Government invested (Enclosure 2) the Acting Deputy Collector, Suryamurthi Pillai, with the powers of a "Collector" under Section 3 of the Act.

4. After the receipt of the above orders and on the 8th October, Suryamurthi Pillai addressed a letter (Enclosure 3) to the Collector of North Arcot, negotiating for the purchase of the property, and informing him at the same time that "rather than take possession of the property under the Act, it would be best to settle the price amicably."

5. In reply to the above communication, the Collector of North Arcot stated in his letter (Enclosure 4), No. 69, of 5th ultimo, that he was authorized by the Court of Wards to make over the property on payment of a value of Rupees 18,773-14-2.

6. On the 12th ultimo, Deputy Collector Raghunadha Row remitted this amount to the Collector of North Arcot, and obtained possession of the property.

7. Raghunadha Row now inquires whether he should pay the Collector of North Arcot the extra compensation of 15 per cent. referred to in Section 42 of the Act. This amounts to Rupees 3,381.

8. This percentage would only be *due* if the "Collector" had proceeded in accordance with the provisions of the Act, and made an award under Section 14, and not otherwise: but it would be hard to deny the estate the benefit of the provisions of the Act on this technical ground, as the neighbours whose lands were taken up in accordance with the provisions of the law have received this additional compensation. I have, however, no authority to pass orders on this matter, and beg therefore to request that the Board will, if they see no objection, obtain the sanction of Government for paying the amount.

9. I have also to submit, for the consideration of the Board, another point in connection with the purchase of the above property, viz., whether, as matters now stand, the property can be said to "vest absolutely in the Government free from all incumbrances" within the meaning of Section 16 of the Act. I think that the protection of this section cannot be claimed by Government in this case, as

the "Collector" has not proceeded with the notice, holding an inquiry of a conveyance under the Act). I have a conveyance deed for the property of the Court of Wards with a clause to indemnify the property.

accordance with the Act, giving the required award (which takes the place of that, as in the case of private purchases, the award must be taken from the Court of Wards against incumbrances (if any) on the property.

ENCLOSURE No. 1.—Copy of G. O., dated 16th September 1873, No. 2,292-A.

ENCLOSURE No. 2.—Copy of G. O., dated 26th September 1873, No. 1,377, Financial Department.

ENCLOSURE No. 3.—Letter from Acting Deputy Collector of Madras, to Collector of North Arcot, dated 8th October 1873, No. 768.

ENCLOSURE No. 4.—Letter from Collector of North Arcot, dated 5th February 1874, No. 69, to Deputy Collector of Madras.

SUBMITTED for the orders of Government.

2. On the 16th September 1873, Government declared a certain piece of ground with a bungalow, the property of the Arnee Jaghiredar (now a Minor under the Court of Wards), to be needed for a public purpose under Act X. of 1870. The Court of Wards had the property valued, and agreed to give it up on payment of the value and the valuer's commission, Rupees 18,773-14-2. The money was paid and the property given up.

3. The Court now resolve to request Government to sanction payment of the 15 per cent. on the value, which, under Section 42, Act X. of 1870, is to be paid when compensation is determined under the Act "in consideration of the compulsory nature of the acquisition." Though the compensation was not awarded under the Act, the acquisition was just as compulsory as if it had been; the value determined is certainly not greater than it would have been if settled in the usual way, and the refusal of the 15 per cent. would amount to fining the Court for their readiness in meeting the wishes of Government.

4. With regard to paragraph 9, the Court observe that Government must have a conveyance. The Collector of Madras should prepare one and send it to the Collector of North Arcot for execution.

TRANSFERRED to the Public Works Department.

(Signed) C. G. MASTER,
Acting Secretary to Government, R. D.

No. 491.

ORDER THEREON, 23rd June 1874, No. 1,686.

RAILWAY, No. 78.

* Rupees 3,381.

UNDER the circumstances represented, His Excellency the Governor in Council is pleased to sanction the additional 15 per cent. * being paid to the Court of Wards for the piece of ground

and bungalow referred to in this correspondence, in consideration of the compulsory nature of the acquisition. The amount will be payable on receipt of the deed of conveyance, which the Court have instructed to be prepared.

(True Extract.)

C. G. Master Colonel, R.E.,
Secretary to Government.

To the Revenue Department. ✓
.. Consulting Engineer for Railways.
.. Officiating Controller of Public Works Accounts.

Exd. W. H. French.

10 Spare Copies will follow from Madras

N. 2140.
Revenue Department
Govt. of 1874 Madras.
PUBLIC WORKS.

THE REVENUE DEPARTMENT.

to. to. to.

Dated June 22nd.

Recd. 2nd July

Encl.

G. O., 23rd June 1874. No. 1,686.

JUNE

Nos. 490-491.

N. 14 217

Communicated to the
Court of Wards.

2 July 74 CML

Land (Carnatic Railway).—Sanctioning,
with remarks, the additional 15 per cent.
being paid to the Court of Wards for the
piece of ground and bungalow, etc.,
belonging to the Arnee Jaghiredar and
taken up in connection with the Carnatic
Railway.