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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	38	Press
B.P. No.		~~Mis.~~
Dated	10 th January	1874 1966

Not to be folded or roughly handled

No. 70. Read the following Proceedings of the Board of Revenue, dated 2nd December 1873, No. 2,448:—

Read the following Proceedings of the Madras Government, dated 14th October 1873, No. 1,104, Revenue Department:—

ABSTRACT.—*Fields entered in Puttadar of one Ryot but sold by him to another.*—Communicating to the Board of Revenue the opinion of the Advocate-General and the Government Pleader relative to the liability of — to attachment and sale for arrears of revenue due by the former, and requesting their attention to the alterations suggested by the Advocate-General and Government Pleader in the forms of Notice and Certificate of Sale.

COMMUNICATED to all Collectors. A Standing Order will be issued noting the changes to be made in the Sale Notices and Sale Certificate.

The Board submit for the consideration of Government that as Section XXXIX., of Act II. of 1864 means according to the Dictionary and Grammar what it does not mean legally, it should be made clearer by Legislative authority. At present Form No. 10, the proclamation under Section XXXIX. must repeat the words "has succeeded to all the right and property of the former landholder in the said lands," whereas what is meant is that the purchaser has succeeded to the ownership of the lands whether the former landholder continued to have any right and property on them when they were sold for arrears or not.

No. 71. ORDER THEREON, 10th January 1874, No. 38.

Land Revenue, No. 2.

It is observed that this suggestion of the Board, viz., for the amendment of Section XXXIX. of Act II. of 1864, the Madras Arrears of Revenue Act, has already received the consideration of the Advocate-General and Government Pleader, it having been strongly pressed in their first letter of the present correspondence, which was referred to the Law Officers in G. O., 11th August last, No. 87. These authorities advised that it was unnecessary, and gave their reasons for their opinion, viz., that the effect of the declaration in the Section is that the purchaser takes the only right or title which Government has ever recognised, i.e., that of the registered holder. The title of any party to whom such Puttadar has alienated the land is *nil*, so far as the sale laws are concerned. With this opinion of the Law Officers before them, the Government see no reason to take any further steps in the matter.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.

Exd. G. A. Turton.

No. 2,448.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 2nd December 1873.

Read the following Proceedings of the Madras Government, dated 14th October 1873, No. 1,104, Revenue Department:—

A.STRACT.—*Fields entered in Putta of one Ryot but sold by him to another.*—Communicating to the Board of Revenue opinion of the Advocate-General and the Government Pleader relative to the liability of — to attachment and sale for arrears of revenue due by the former, and requesting their attention to the alterations suggested by the Advocate-General and Government Pleader in the forms of Notice and Certificate of Sale.

COMMUNICATED to all Collectors. A Standing Order will be issued noting the changes to be made in the Sale Notices and Sale Certificate.

The Board submit for the consideration of Government that as Section XXXIX., of Act II. of 1864 means according to the Dictionary and Grammar what it does not mean legally, it should be made clearer by Legislative authority. At present Form No. 10, the proclamation under Section XXXIX. *must* repeat the words "has succeeded to all the rights and property of the former landholder in the said lands," whereas what is meant is that the purchaser has succeeded to the ownership of the lands whether the former landholder continued to have any right and property on them when they were sold for arrears or not.

(A true Extract.)

J. G. Grole.
Secretary.

To the Secretary to Government, Revenue Department.
„ all Collectors, with G. O.

Exd. G. A. Turton.

No. 38

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Pres. Prop. Vol. Rev. No 2448

d/2-12-78

It is observed that his suggestion of the Vol. viz. for the amendment of Sect ~~XXXIX~~ of Act II of 1864, the Madras Areas of Revenue Act, has already received the consideration of the Adv. Genl. & Govt Pleader, it having been strongly pressed in their first letter of the present correspondence, who was referred to the Law Officers in G.O. 11th Aug last No 87. These authorities advised that it was unnecessary, and gave their reasons for their opinion - viz - that the effect of the declaration in the Section is that the purchaser takes the only right or title which Govt has ever recognised, viz i.e. that of the registered holder. The title of any party to whom such purchaser has alienated the land is nil, so far as the Sale Laws are concerned. With this opinion of the Law Officers before them, the Govt see no reason to take any further steps in the matter.

J. P. S.

18th Feb. des. 12 Jan 74

10: January 1874.

53-17-12/78.

The might really add with 85 Johnson "This comes from people being a little washed."

Rev: 1873: 2448

1873.

Board of Revenue,
MADRAS.

PROCEEDINGS, 2ND DECEMBER 1873, No. 2,448.

Supp 15 Dec 1873.

Encl.

Received 16. Dec.

DECEMBER.
No. 2,448.

Arrears of Revenue—due by a ryot on fields entered in his putta but sold by him to another. —Opinion of Advocate General and Government Pleader relative to liability of fields to attachment and sale for — and necessity for changes in form of Sale Notices and Sale Certificates, communicated to all Collectors.—Suggestion made to Government, that Section XXXIX. of Act II. of 1864, should be made clearer by legislative authority.

50: 2438-10 Jan 74

170-71

S. 39 Madras Act 11p

Further proposed
Bill to amend —
registered.

For the Secy.

Des. Secy.