M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 4

(2) Date of repair 9-6-67

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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. / B.P. No.	140	Press / Mis.
Dated	5. 6.	1961874

Not to be folded or roughly handled

No. 372A. Read the following endor[illegible]t of the Financial Department, dated Ootacamund, [illegible] May 1874 :—

From J. HUNTER-BLAIR, Esq., Coll[illegible]r of Madras, to the Honourable D. F. CARMICHAEL, Acting Chie[illegible]ecretary to Government, dated Madras 9th May 1874, No. 81.

I HAVE the honour to forward, for the consideration and orders of Government, a case which has been referred to me by the Deputy Collector of Madras.

2. Mr. Jones, a member of Messrs. Parry and Co., claims as compensation for land and buildings required for the line of the Carnatic Railway in the compound of his house Rupees 32,226-14-4.

3. The Deputy Collector has offered him Rupees 7,000 by letter and Rs. 8,000 verbally, which he has refused.

4. Mr. Jones was also asked what price he would take for the house and compound as they stand : he asked Rupees 40,000.

5. The Deputy Collector offered Rupees 13,000, which was refused.

6. Mr. Jones wishes the matter referred to the Judge appointed by Government to decide such cases.

7. The Deputy Collector now requests that Government will sanction the purchase of the house and compound under the Land Acquisition Act, instead of only the portion of the compound actually required.

8. His reason is: It would be better policy to buy the house and sell it again, by which Government would really only pay the difference for damages and compensation for the land actually required, than to allow the principle to be mooted in Court, that an owner of house property is entitled to compensation whenever a Railway passes near his house, and thereby deteriorates its value. It is a question whether a claim to compensation under this head is one that should be allowed under Section 24, Clause 3, or disallowed under Section 25, Clause 4, but I very much doubt a Court taking the latter view of the question.

9. I agree with the Deputy Collector that it is decidedly advisable to take the house and compound under the Act. In this case, if Mr. Jones goes to Court, we shall only have to pay the fair value of the house. If he goes to Court for damages, it is impossible to say at what rate the Judge may assess them, and if he did so highly, other claims would very probably be brought forward; one person has already done so. I doubt also if the Judge would take the Municipal valuation as a correct one, and I consider the Deputy Collector's estimate of Rs. 2,880 should be at least trebled.

Paragraph 6 of Deputy Collector's letter.

10. I draw attention to the fact that Mr. Jones himself only values his house and compound if purchased at Rupees 7,773-4-8 more than he demands for compensation. If the valuation for purchase goes before the Court, this point will, I think, tell strongly in favor of Government.

11. If Government approve of the proposal to purchase, I have to beg that the usual notification may be published in [illegible] Gazette.

Proceedings of the Madras Government, Public Works Department,
16th May 1874.

TRANSFERRED to the Public Works Department for disposal.

(Signed) D. F. CARMICHAEL,
Ag. Chief Secretary.

No. 372B. ORDER THEREON, 16th May 1874, No. 1,322A.

RAILWAY, No. 43A.

THE Collector will submit a draft notification for the acquisition of the house and ground referred to under the Act. Such portion of the premises as may not be actually required for Railway purposes being hereafter resold by public auction.

(True Extract.)

C. B. Walker Colonel, R.E.,
Secretary to Government.

To the Collector of Madras.
" Financial Department.
" Revenue Department.
" Consulting Engineer for Railways.

Encl. E. C. Shunker.

20 Spare Copies will follow from Madras

C

No. 1790.
Revenue Dept

Govt. of {1874} Madras.

PUBLIC WORKS.

To

THE COLLECTOR OF MADRAS,

&c., &c., &c.

Dated May 16th.

Recd. June 5th. Encl.

G. O., 16th May 1874, No. 1,323.

MAY.

Nos. 372A-372B

5 | 6

Dr Ins

To Revenue Dept 10 June

Compensation for Land, Carnatic Railway.—The Collector of Madras requested to submit a draft notification for the acquisition of the house and ground belonging to Mr. Jones under the Act. Such portion of the premises as may not be required for Railway purposes being hereafter resold by public auction.

No 40 / Communicated to the Board of Revenue

5 June 74 E C C