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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue.

DEPARTMENT

G.O. No.
B.P. No.

635

Press
Mis.

Dated 16-5-1976 196 .

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
16th May 1876.*

No. 161. Read the following Proceedings of the Board of Revenue, dated 5th May 1876, No. 1,189 :—

Read Proceedings of the Madras Government, dated 1st May 1876, No. 559,
Revenue Department.

ABSTRACT.—Sanctioning the institution of suit against Kaliyappa Gounden for recovery of loss sustained at the re-sale of Samalapuram Tank, in Coimbatore District, on the assumption that notice of the intention to “re-sell” was given to the defendant, and suggesting certain measures to obviate illusive purchases.

COMMUNICATED to the Collector of Coimbatore.

2. The Board respectfully submit that Section 107 of the Indian Contract Act (IX of 1872) is not applicable to the present case, the word “goods” being defined by Section 76 to mean and include every kind of *movable* property. The purchaser was bound by the conditions of sale, one of which was to the effect that, in default of payment of the full amount of purchase money within 15 days, the land would be re-sold at the

Vide page 224 of the Coimbatore District Gazette, dated 26th June 1875.

defaulter's risk and loss. It is presumed that the re-sale was duly advertised, and it does not appear that there is any provision of the law requiring special notice of intention to re-sell to be served on the defaulter. It is observed that there was no undue haste, as the land was purchased by the d 1875

3. In accordance with the suggestion contained in paragraph 2 of the Government Order, all Collectors will be instructed, should Government approve, to insert in the conditions of sale of Government lands a provision similar to Clause 3, Section 36, Act II of 1864, requiring the deposit by the purchaser of a sum equal to 15 per cent. of the price at the time of purchase, the deposit being declared liable to forfeiture should the remainder of the purchase-money not be paid within 30 days.

(True Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

No. 162.

ORDER THEREON, 16th May 1876, No. 635.

Miscellaneous.

The plaint should be filed accordingly, as originally proposed.

2. The suggestion in paragraph 3 is approved.

(True Extract.)

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

To the Board of Revenue.

Ed. F. R. Bantleman.

Bant

Revenue Department.
 Proceedings of the Board of Revenue
 Dated 5th May 1876. No. 1139
 Read Proceedings of the Madras Govern-
 ment, Revenue Department, dated 1st May 1876,
 No. 539, sanctioning the institution of suit
 against Kaliyappa Gounden for recovery of
 loss sustained at the resale of Samalapuram
 Tank in Coimbatore District on the assumption
 that notice of the intention to "Resell" was
 given to the Defendant and suggesting certain
 measures to obviate illusive purchases.

Communicated to the Collector of
 Coimbatore.

2. The Board respectfully submit that
 section 107 of the Indian Contract Act
 (of 1872) is not applicable to the present
 case, the word "goods" being defined by Sec-
 tion 7 to mean and include every kind
 of moveable property. The purchaser was
 bound

Obdt. of 1876 Madras.

REVENUE.

THE BOARD OF REVENUE.

Dated May, 1876.

Recd.

Encl.

G.O. 16th May 1876, No. 635.

MAY.
 Nos. 161-162.

Plaint against Kaliyappa Gounden for the
 recovery of loss sustained at the resale of Samalapuram
 Tank in the Coimbatore District. — Observing
 that the — should be filed as originally pro-
 posed; and approving the suggestion with respect
 to the insertion in the condition of sale of Govern-
 ment land of a clause requiring every purchaser
 to deposit 15 per cent. of the price.

bound by the conditions of sale, one of
which was to the effect that in default ^{vide page 224}
of payment of the full amount of pur- ^{of the Comptroller}
chase money within 15 days the land would ^{District Gazette}
be resold at the defaulter's risk and loss. It ^{dated 28 June}
is presumed that the resale was duly advertised ¹⁸⁷⁶
and it does not appear that there is
any provision of the law requiring special
notice of intention to resell to be served
on the defaulter. It is observed that there
was no undue haste, as the land was
purchased by the defaulter on the 31st
July 1875 and resold on the 25 September
1875.

3. In accordance with the suggestion con-
tained in para 2 of the Government Order
all collectors will be instructed, should
Government approve, to insert in the conditions
of sale of Government land, a provision
similar

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similar to clause 3, Section 36, Act II of 1864,
requiring the deposit by the purchaser of
a sum equal to 15 per cent of the price at
the time of purchase, the deposit being
declared liable to forfeiture should the
remainder of the purchase money not be
paid within 30 days.

(True Extract)

G. H. C. J.
By Secretary

To

The Secretary to Government
Revenue Department.

C. M. M. H. P.
Capt.

Proceedings of the

Off. 625-16. 400/18/6

9/21/1876

May 1876.

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2. The subject has been in Paris 9 in a thousand

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C. 12: June 1. A. 16: May