

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 242

DATED 16th January 98

[Despatch Abstract.]

Passing orders on the question
of the grant of a permanent patta to Sir H. Bliss
in respect of his property known as the "Shedden House"
at Dola Camund.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue Political (1898) Department.

CURRENT No. 7149

From

The Board of Revenue, Land
Revenue, Madras.

Order No.

Recorded with reference
to C.C. No. 630 Rv.
28.10.98
16x18

No. 1175 R.E.

Dated 18th October 1898

Received 19.10.98

Registered

Enclosures

Spare copies

SUBJECT.

Submitting for the orders of -
Government the proposal of the Col-
lector of the Nilgiris re: the issue
of a permanent patta for Sheddou --
House, Ootacamund.

To
The Board of Rev. L. R. with enc.

5-11-98
E.L.

~~done per order~~
~~done per order~~
~~done per order~~

BACK PAPERS.

G.O.	No.	Department	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Office of the Board of Revenue
(Land Revenue)

Madras, dated 18th October 1898.

Read letter from A. Butterworth Esq., Ag. Collector -
of Nilgiris to the Secretary to the Commissioners of Land Revenue,
Madras, Ref. Petn. No. 1005, dated 3rd October 1898.

Reference No. 1173 dated 18th October 1898.

In G.O. No. 744 Revenue dated 30th August 1898, Govern-
ment directed the Collector of the Nilgiris to report through the
Board of Revenue, after consultation with Messrs. Cowdell and Winter-
ton or other persons interested, whether the grant of permanent ---
pattas on quit-rent in lieu of 99 years' leaseholds in the Nilgiri
District would be acceptable to the lessees.

2. With his letter No. 137 dated 19th March 1890, the -
Collector of Nilgiris forwarded a list of persons who had, through
Messrs. Cowdell and Winterton, signified their willingness to accept
permanent pattas. Among them was Mr. (now the Hon'ble Sir) H.W. Bliss
who applied for a permanent patta for the property known as Shed-
don House comprising grounds of 20.56 acres in extent. In December
1890, according to the present Collector's report dated 3rd instant,
Mrs. Bliss who was then the owner of the property wrote to say that
the preparation of the permanent patta might be deferred until cer-
tain intended sales of portions of the property were completed. On
the 8th July last the Hon'ble Sir Henry Bliss on whom the property
has devolved under Lady Bliss's will renewed the application for -
the grant of a permanent patta, but as this application for the ---
grant of a permanent patta, but as this application was made after
the passing of Board's Proceedings No. 45 dated 25th February last,
the Collector has referred it for the instructions of the Board. In
para 4 of its Proceedings last quoted the Board recommended

(1) the grant of ryotwari pattas in cases where the conver-
sion of the 99 years' leaseholds into permanent pattas had been pro-
posed to the lessees but had not been finally accepted by them
(the words used by the Board were "in cases awaiting settlement"),

& (2) as an exception to the last recommendation, the grant of

in 60.
527
16.998
title deeds on the ground-rent under the rules proposed in Board's Pro-
ceedings No. 444, dated 22nd. December 1897 in those cases where the lease-

holds had been used for building purposes and where the arrangements -
had not already been entered into for the grant of permanent pattas.

5. From the Collector's report it appears that neither of the -
Board's recommendations above recited can be applied to the Sheddoo --
House property, because Sir Henry Bliss contends (1) arrangements have
already been entered into for the conversion of the leasehold into a -
tenure on permanent patta and (2) the leasehold has been used for ----
building purposes.

Mr. Butterworth concedes the first of these points but doubts whe--
ther the land can be said to have been used for building purposes, see--
ing that the building covers a very small part of the 18.65 acres ----
which form the present extent of the land and that 6.51 acres thereof
were once actually detached from the rest of the property, the inter---
vening land having subsequently become part of the estate by purchase.
Mr. Butterworth therefore recommends the grant of a ryotwari patta to -
the Hon'ble Sir Henry William Bliss for Sheddoo House.

4. The Board's recommendations quoted in para 2 above are still
under the consideration of Government and the Board accordingly recom-
resolves to submit the present case for the orders of Government.

Colonel Davidson.

Ag. Secretary.

To the Secretary to Government, Revenue Department, with Collector's
letter.

Q.B.

Q.B.

D
4 1,000-8-4-97.

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REVENUE DEPARTMENT.

C No. 7149/98

From

the Board of Rev. Land Rev

Ref. No. 1173 Dated 1st. 10. 1898.

FOR ORDERS.

The Board of Revenue
submits for orders a reference made
by the As. Collector of Nilgiris relative
to the grant of a permanent patta
in respect of the Sheddoo House,
the property of Sir H. Bliss
at Ootacamund. The facts of the
case are briefly stated in the B.P.
and are as under:-

2. In para 2 of C. O. No.
744 of 30. 8. 97, the Govt. expressed
the opinion that the 99 years' leasehold
tenure under which certain lands
in the Nilgiris are held, ~~was~~
objectionable and antiquated and
that on grounds of public policy,
it ~~is~~ desirable to convert these
leaseholds into permanent
properties, subject to the payment
of a quit-rent of Rs 2 or the of the
amount of lease rent
which was high.
The Collector was accordingly

instructed to ascertain and report whether the proposals of Govt would be acceptable to the lessees. Among the persons who signified their assent thereto and who applied for a permanent patta was Mr (now Sir) H.W. Bliss who was owner of the property known as the Sheldon House at Colacacund. In ~~1890~~ December 1890, however, Mrs Bliss who was then owner of the property wrote to say that the preparation of the permanent patta might be deferred until certain intended sales of portions of the property were completed. No further correspondence on the subject appears to have taken place till the 8th July last, when the Hon'ble Sir H. Bliss on whom the property devolved under Lady Bliss's will, renewed the application for the grant of a permanent patta in respect of the property.

3. The Govt of India having, however, in the meantime, issued orders ~~prohibiting~~ prohibiting the alienation of land revenue in perpetuity, the Board in para 4 of B.P. No. 45 25.2.98 recommended the

(ii) that in cases in which

vide C.I. Res. ^{d7 Sept 1897} ~~for p. 4 of C. 6~~ 630 28.10.98 Res

in C. 6 630 28.10.98 Res

3. the grant of permanent patta had not been made & in others awaiting settlement ~~the grant of permanent patta is delayed~~ ~~has been proposed to the lessees~~ ~~but not yet finally settled~~ "war patta, subject to periodical revision of assessment, out" may be granted when the "change is desired by the leaseholders"; and but

(ii) that in cases in which the leaseholds have been used for building purposes and where arrangements have not been entered into for the grant of permanent patta the rules for the assessment of building sites in towns should be applied if the leaseholders so elect

4. With reference to these proposals, Sir H. Bliss was informed by the Collector that, pending final orders of Govt on the subject, the permanent patta applied for in respect of his property cannot be issued. Sir H. Bliss is ~~now~~ ^{stated} to contend that he is entitled to a permanent patta ~~on~~ ^{under} the terms of Board's resolution No (ii) above on the ground that arrangements have already been entered into for the grant of

para 3 of Mr. Burtinwood's letter
d/3. 10. 98, Ref Petn No 1005/98.

permanent patta and that the property has been used for building purposes. Mr. Butlerworth concedes the first contention, but with regard to the second observes "I do not understand the Board, when speaking of property used for building purposes, to contemplate such a case as the present where one house has been built on a piece of land which now covers 18.65 acres and which was formerly larger, the owner having apparently, from time to time, broken off and sold a piece of the land. I may mention that the property does not even form a single block, 6.51 acres being detached from the rest of the property though I believe that Sir H. Bliss holds the intervening land by purchase under the Waste Land Rules. The case seems to me to be one in which a pottwar patta only should be granted as provided in the third sentence of para 4 of the B. P. otherwise any man who happens

B. P. No. 45 in C. G. 630 R. W.
25.2.98 28.10.98

to have a building on his land, however extensive that land may be, may claim that he is entitled to a permanent patta for it." The Board of R. W. makes a specific recommendation in the matter.

5. It is submitted that the paper may be recorded with reference to the instruction issued in C. G. No. 630 R. W. 25.10.98 relative to the treatment of lands held on 99 years' leases. In para of this order, the Govt. while accepting the Board's recommendations, observed that "the orders of Govt. for the conversion of 99 years' leaseholds into permanent property must be held to be cancelled by the distinct ruling of the Govt. of India against the alienation of the land revenue in perpetuity," and laid down certain principles in accordance with which leasehold lands in respect of which permanent pattas have not actually issued should be dealt with. There

is no distinction made in the
treatment between lands
in respect of which arrangements
have already been entered into
with the grant of permanent patta
and those in respect
of which no such arrangements
have been begun.

15-11-98
C.R.S. See
15-11-98
Then being
no consideration for
the promise made, Govt
might recede; but its
orders have been
cancelled by superior
authority, so the question
is not one of receding from a
promise but of carrying out India's order.
That?

~~Revenue Department~~
~~Revenue Department~~
~~Revenue Department~~
H.M.

The Govt. of India has complete
statutory control over all arrange-
ments for the alienation of the
public revenue.
Our scheme for converting 99
year leaseholds into permanent

properties was gratuitous
and unilateral. Where it
had not been ^{actually} carried out
there was no legal obligation
to do so: for there was no
consideration on the part of the
tenure holder for the benefit
we proposed to confer upon
him.

So far as an exception has
been allowed in respect of
building sites, the Collector's ob-
jection seems to hold good.

On these grounds I think
we must hold that
Sri H. K. is entitled only
to a patta subject to periodical
revision if he wishes to exchange
his 99 year lease for a patta.
Of course he may ~~retain~~
stick to the lease if he
pleases. Any other course
might make it difficult to
distinguish in the Kilgore
cases.

I concur
H.S.
22-11-98.

* Agree with the Hon. Member. But, the
question whether this patta should be
a 99 year patta under (3B), or a
town site patta under (3A), remains
unsettled. Perhaps the Hon. Member will
consider this point.

H.O. the previous
A. 44
1.12.98
S.R.
12/11/98
R.C. 14-12-98
R. 13-12-98

S.R. 20/11/98

Secy

Please see notes above.

The pattern to be given to

in H. H. H. will, under

the existing order

GO. 680 & 28 Oct 58 para 2

Clause 3, is an ordinary
ryotwari pattern but
the rate of assessment
with calculation is

then to be charged with
to that presented
for town sites in the
loans (vide Rule

12 in GO 527 Res 2 16 Sep 1898) X

The conditions of
a town site pattern or

little deed (Rule 15 of

the Appa to GO 527 & 16 Sep 1898) X

can, it is submitted

hardly be applied

in the case of

these 99 year lease

holds which in

some cases have been

broken up into separate

properties.

Of course, in H. H. H.

may refuse the pattern &

to be on his case

X Clause 3 modifies
the preceding 2 clauses.

This appears to me
to be correct -

The pattern will be in

the ordinary
ryotwari form, but

the rate of

assessment will

be Rs 10 per

acre

15-12-98

14.1.99

9
To the Under Secretary

Please see H. H. H.

note of the 15th Instant above.

Should the file be re-circulated

to H. H. H. with reference to his note

of the 1st Column?

MS
17-11-98

RS
17-12-98

Draft making
the point clear

the
17/12/98

20-1-99

Please see draft below

RS
2-1-99

Secy
11-1-99

3/1/99

H. H. H.

To see draft before time

for approval

8/2 6/19

To the Hon. Secy. to Govt.

Please see H. No.

100 of the 1st. Division.

Under the 1st. Division.

100 of the 1st. Division.

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18-1-99

Rw. Sept.

Read B. B. Ry. No. 1173 d/18. 10. 28
(Cus. 7149 of 98)

Order mis. 12242 d/16. 1. 1899

The Board of Revenue will be informed that, with reference to the instructions (para 2 clause 3 of) contained in C. O. No. 630, Rev. of 28. 10. 98, Sir. H. Bliss ~~should be given~~ ^{should be given} an ordinary ryotwari patta subject to periodical revision of assessment if he wishes to exchange his 99 years lease for a patta. ~~but that~~ The rate of assessment to be charged on the lands will be that prescribed for ^{or to be prescribed} ~~house-~~ sites in Ootacamund. (Rule 12 of the rules appended to G. O. 527/16-9-98) (from orders)

7.9.98
14.1.99

RS
2-1-99

MS
3/1/99

5/1/99

To
The Board of Rev. Land Rev
with enc.

MS
2-1-99

18-1-99

When given for copying _____
 When copied _____ } 189
 When examined _____
 When signed _____

READ AGAIN G.O., No. _____
 189 .

, DATED _____

CURRENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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 IN ORIGINAL.

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