

- (1) Number of pages 8
(2) Date of repair 11. 1. 71
(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	261.	Press
~~B.P. No.~~		Mis.
Dated	19. 1. 1877	196

Not to be folded or roughly handled

Proceedings

Revenue Department,

No. 578. Read the foli
November 1876, A

ard of Revenue, dated 30th

and the following letter from
to H. E. STOKES, Esq
Masulipatam, 28th Sep.

actor of the Kistna District,
Board of Revenue, dated

I HAVE the honor to request B

the following case:—

2. G.O., No. 1,508, dated 24th , directs that certificates Issued by
Collectors under Section 38, Madras Act . 1864, are instruments, the registration
of which is compulsory when the value is not less than Rupees 100.

3. In this district when a putta or enfranchised Inam land is bought by
Government and there are no bidders, a certificate is issued and filed on record.

4. In the case of an enfranchised Inam, the amount of arrear is the 'upset
price; and when this is Rupees 100 or upwards, the registration of the certificate,
if one is issued, becomes necessary. I am, therefore, in doubt whether the practice
of issuing certificates in the case of lands bought by Government is to be given up,
or whether in the above-mentioned case the certificate should be registered at the
expense of Government.

THE practice of issuing sale certificates under Section 38, Act II of 1864, and
of filing them on record in cases in which the land is purchased for Government, is
correct and should be continued; and when the value of the land is Rupees 100 or
upwards, the certificate must, as the law now stands, be registered at the cost of
Government.

2. The Board, however, are of opinion that sale certificates for land purchased
by Government should be exempt from registration, and they suggest, for the
consideration of Government, the expediency of having them included in the list of
documents exempted by Section 87 of the Registration Act.

3. There is another point in connection with sale certificates which the Board
desire to submit for the consideration of Government. It appears from the corre-
spondence recorded in G.O., dated 24th July 1876, No. 1,508, Judicial Department,
that sale certificates issued previous to the order just quoted to numerous purchasers
at revenue sales were seldom registered, though the value of the land was not less
than Rupees 100, owing to a general but erroneous impression that their registration
was not compulsory. Section 23 of the Registration Act precludes their registration
at this late period, and by Section 49 the documents are invalid as regards the
property to which they relate, and are not admissible as evidence of title,—a result
which seriously affects the rights and interests of the numerous parties concerned.

4. In the circumstances it seems desirable that measures should be adopted
either to exempt these documents from registration and to declare that for the
purposes of Sections 48 and 49, they shall be deemed to have been, and to be, regis-
tered, or if this is considered inexpedient at least to provide for the admission of
the documents to registration within a fixed period.

5. As a Bill to amend the Indian Registration Act is now before the L is-
lative Council of India, the Board recommend that steps be taken to have sale

Proceedings of the Mad.
19

certificates issued for land pur-
under Section 87, and to have
such other manner as will aff
(A t.

Revenue Department,

exempted from registration
suggested in paragraph 4, or in
to the parties concerned.

(Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 579.

ORDER THEREON, 19th January 1877, No. 261.

Miscellaneous.

The Board's recommendation con-
tained in paragraph 5 of their Proceed-
ings is approved, and those Proceedings
will be communicated to the Judicial
Department with a view to the necessary reference being made to the Government
of India for a modification of the provisions of the Registration Act as suggested
by the Revenue Board.

(True Extract.)

(Signed)

D. F. CARMICHAEL,
Secretary to Government.

To the Judicial Department.
.. the Board of Revenue.

Exd. F. R. Bantleman.

13/2/51

PROCEEDINGS OF THE BOARD

Read the following letter from G. L.
to H. E. STOKES, Esq., A.
Masulipatam, 28th September

0th November 1876.

Collector of the Kistna District,
to the Board of Revenue, dated

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5. As a Bill to amend the Indian Registration Act is now before the Legislative
Council of India, the Board recommend that steps be taken to have sale certificates

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ph 4, or in such other manner as
d.
act.)

H. Blunt

Acting Secretary.

To the Secretary to Government, L.
Copy to all Collectors.
" the Inspector-General of R.

Exd. A. Grubert.

*The proposed amendment in para
5 of the Act is approved
and the same will be
communicated to the
Judicial Dept. with
a view to the necessary
reference being made to
the Govt of India for
a modification of the
provisions of the Registration
Act as suggested by the
Act. No.*

4.5.1876/16.1.1877

Dec: 1876. 22/1/77
BOARD OF REVENUE,
MADRAS.

PROCEEDINGS, 30TH NOVEMBER 1876, No. 3,007.

22/1/77

Encl.

Received 22 Dec.

NOVEMBER.
No. 3,007.

*Side Certificate — for land purchased by
Government.—Suggesting for consideration of
Government the expediency of having —
exempted from registration, and recommending
amendment of law on subject of registration of
side certificates.*

GA. 19. January 1877 No. 24.

2. 61

19 January 1877

4.0

*The B. D. memo under
contained in Para 5
of the Act is approved
and the same will be
communicated to the
Judicial Dept. with
a view to the necessary
reference being made to
the Govt of India for
a modification of the
provisions of the Registration
Act as suggested by the
Act. No.*

H. B.

2/1/77

*5. To the Govt of India
12. B. D. Memo 2/1/77*

Registration of
Land &
Certificates

Dept. S.O.

Recd from S.O.

Dated

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