(1) Number of pages 4

(2) Date of repair 26.5.80

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / B.P: No. 1038	Press. / Mis.
Dated 23.2.1877	197 .

Not to be folded or roughly handled

Archives I—10,006—19-4-79

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

17th February 1877, No. 427.

Registration.

Read the following paper :—

No. 95. *Proceedings of Government, Revenue Department, dated 19th January* 1877, *No.* 261.

Read the following Proceedings of the Board of Revenue, dated 30th November 1876, No. 3007 :—

Read the following letter from G. D. LEMAN, Esq, Collector of the Kistna District, to H. E STOKES, Esq, Acting Secretary to the Board of Revenue, dated Masulipatam, 28th September 1876, No. 1717 :—

I have the honor to request Board's orders in the following case —

2. G.O., No. 1508, dated 24th July 1876, directs that certificates issued by Collectors, under Section 38, Madras Act II of 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 connexion with sale certificates which the Board desire to submit for the consideration of Government. It appears from the correspondence recorded in G.O , dated 24th July 1876, No. 1508, 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, registered, 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 Legislative Council of India, the Board recommend that steps be taken to have sale certificates issued for land purchased by Government exempted from registration under Section 87, and to have the law amended as suggested in paragraph 4, or in such other manner as will afford the required relief to the parties concerned.

(A true Copy and Extract.)

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

ORDER.—The Board's recommendation contained in paragraph 5 of their Proceedings 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,
Secy. to Govt., Rev. Dept.

No. 96. ORDER THEREON, 17th February 1877, No. 427.

Ordered that the Revenue Board's suggestion to amend the Indian Registration Act, so far as affects sale certificates issued by Collectors under the Revenue Recovery Act, be submitted for the consideration of the Government of India, in continuation of the papers communicated with the letter from this Department, dated 8th January 1877, No. 49.

(True Extract.)

W. HUDLESTON,
Chief Secretary.

To the Revenue Department.
„ the Inspector-General of Registration.
„ the Advocate-General.
„ all Collectors.

Ed. J. Wright.

Revenue Department

No 1411

CIRCULAR.

To the REVENUE DEPARTMENT,

&c, &c, &c

Fort Elbow, 17th

Rec'd 23rd Feby/77.

G.O. 17th February 1877, No. 421.

FEBRUARY.
No. 35—67.

Revenue—Revenue Boards empowered to [illegible] Land Revenue Assistants to [illegible] Revenue Boards, and [illegible] Revenue Boards [illegible] the Commissioners of Land.

No 1038

Commissioner Cotton's Report

23/2/77