M.R.O. 14—18,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2262 Press Mis

448 449

Dated 27—9— 1917

Not to be folded or roughly handled

2262
9-3

Proceedings of the Madras Government, Revenue Department, 27th September 1867.

No. 448. Read the following letter from the Acting Collector of Trichinopoly, to the Secretary to Government, Revenue Department, Fort St. George, dated Lalgoody, 14th August 1867, No. 45 :—

1. I have the honor to draw the attention of Government to their Proceedings in the Revenue Department, marginally noted, to represent the following circumstances connected therewith, and to request the orders of the Government.

14th May 1860, No. 768.
28th Feb. 1863, ,, 435.
8th June ,, ,, 953.

2. In furtherance of the scheme laid down in the first quoted Proceedings, after divers delays, with the causes of which I need not trouble the Government, the land described in Mr. McDonell's letter, embodied in the second quoted Proceedings, was put up to auction under the sanction therein given in September 1863.

3. Of the 232 lots marked in the enclosed plan, 134 were knocked down to thirty-one individuals for an aggregate sum of Rupees 8,521. The money was paid up and credited to Government, and Sale Certificates were subsequently issued to the purchasers.

4. The object of selling this valuable piece of ground, the Government will bear in mind, was to secure the erection, on a fixed plan, of a substantial bazaar. This object has never been even attempted to be fulfilled, and the purchasers make no secret of it, that, as far as the matter rests with them, they will not build the projected bazaar. Some of them have run up unsightly sheds.

5. I beg the Government now to look at the enclosed "Terms of Sale," extracted from the District Gazette of the 19th September 1863, published just before the sale, and an original Sale Certificate* (with translation appended) granted to one of the purchasers. From these it will be seen that building according to the plan within six months was distinctly constituted one of the terms of sale, but no specific penalty for breach of the same was declared, and, in the certificate, the declaration vesting the property in the purchaser and his heirs is followed by a simple enjoinment to build according to the plan. Nothing is inserted with reference to limit of time or to penalty in case of failure to build.

* To be returned.

6. For nearly four years this important matter has been completely lost sight of. It has been with the utmost difficulty that after months of searching I have been enabled to collect the information whereon I now write. One of the very last documents which I succeeded in discovering was the first quoted very important Order of the Government, the same having been stowed away in a separate bundle of papers, instead of being recorded in the usual manner, and, until discovered, I had no hint of its existence.

7. It remains to be considered what step ought now to be taken. Here is the finest, I may say the only existing good site in proximity to the town, which the Government went to considerable trouble to sell with the express understanding that the town was to be thereby improved and benefited by the erection on it of a

creditable set of bazaars here is this site, the greater part of it lying still unoccupied, and the remainder spoilt by a collection of disreputable huts. This site would suit admirably for the erection of our new Civil Dispensary building, and the project is delayed because we cannot find another site at all suitable. The purchasers, making the most of the ambiguously worded certificates so injudiciously furnished to them, will not build the projected bazaars, but at the same time I have reason to believe they would be willing to relinquish the land on refund of perhaps a moiety of the purchase money.

8. I do not know what view the Government may be pleased to take, nor am I prepared to say what may be the exact legal effect of the "Terms of Sale" and the Certificates, worded as they are, but, in my humble opinion, the Government should use every legal means to recover the land without refunding the purchase money, on account of the wilfully inequitable breach of their contracts by the purchasers, and, to that end, I would recommend that the papers be laid before the Government Law Officer, and his opinion taken as to whether actions would lie thereon.

9. The instructions conveyed in paragraph 3 of the Government Order of the 14th May 1860, No. 768, I have good reason to believe have not been kept in view, and that various encroachments have since occurred. This subject is now under strict enquiry, and to assist me therein, I beg the Government will forward to me the report, measurements, statements, and plans, submitted in original to Government with Mr. J. Bird's letter of the 7th April 1860, No. 11, as I have not been able to find any copies of the same on record.

10. I request that the attention of Government may be speedily and especially directed in the Public Department to the concluding part of paragraph 6 and to paragraph 8 of the above Order, in connection with paragraph 2 of the Order of 28th February 1863, No. 435, with reference to my letter of the 1st August 1867, No. 32, wherein I requested, on behalf of the Town Commissioners, that just such a special grant as I now find the Government have already sanctioned should be granted to them, to enable them to undertake the large work referred to in paragraph 5 of the Government Order of 1860.

11. It will be observed that in the first Order it was the intention of the Government that the proceeds of the sales of all building lots and of the surplus fort stones should constitute a fund to be held by the Collector, and expended by him on improvements, but that this arrangement was modified in the Order of February 1863, Government nevertheless engaging "to grant funds in the usual way for further improvements."

No. 449. ORDER THEREON, 27th September 1867, No. 2,262.

Miscellaneous.

1. Ordered that the above letter, with copies of the former papers quoted, be referred, through the Government Solicitor, for the opinion of the Acting Advocate General, as to the power of Government to enforce the condition of sale of the building sites in question relating to the erection of buildings on the specified plan.

Proceedings of the Madras Government, Revenue Department,
27th September 1867.

2. The original enclosures to Mr. Bird's letter of 7th April 1860, referred to in paragraph 9 of the above letter, will be sent to the Acting Collector, to be returned when no longer required.

3. Paragraphs 10 and 11 will be considered in the Public Department.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Government Solicitor.
,, the Acting Collector of Trichinopoly.
,, the Public Department.

Ed. S. T. Augustin.

W. 2262. 3

Ground Plan

Letter with copies of the former petitions quoted - in reference to the Petitioners application for the Office of the Assistant Surveyor of Roads - & between the erection of Sides of the building lines in question - altering & the erection of buildings on the Ground Plan.

The original enclosure in Mr Bird's letter of 7. April 1800. referred to in para 9. of the above letter will be sent to the Assistant Surveyor when no longer required.

Pages 10. & 11. Vide Ec.

Entered in the Letter Book.

E.B.

1 Chair Table 1 Chest of Drawers
1 Chair 1 Easy Chair 1 Fire Screen
1 Stool 1 Table &c.

£5 4 2 4 Feb. 07.

(5

(February 1803, Commissioners Never-
-theless engaging to grant funds
in the usual way for further
improvements." —

I have the honor to be,
Sir

Your Obt. & very Hble. Servt.
for A. McCulloch.

To
M. Huddleston Esqr.
Secretary to Genl.
Revenue Department

[illegible] to them, to enable them to undertake the large work depending on the Plan of the Government Order of 1868.—

[illegible] building lots, and if the surplus Grant Stones should constitute a fund to be held by the Collector and expended by them on improvements, but that this arrangement was modified by the Order of

Rec'd Secy/Govt No 27 & 29
" 28 Feby/63 Do 424 & 425
" 5 June/63 Do 106 & 109.
" 21st Augt 1867. 157-158. Do

From the Registrar of Freehold
-ers dated 3d October/67 Ch. 2674

From the Court-Solicitor
dated 3d October/67 Ch. 2681.

3 1/2 3

No 448-449

Rev. 1867 Vol. =
Proc. Govt. for Nov. p. 2273.

The Agt. Collector of
Tuticorin

To
The Secy. to Government
Revenue Department
Fort Saint George

Dated 4th Nov.
Rec'd 20th } August 1867

Enclosures 4
(4th Public Letter No. 445
4th No. p. 2262. 27 Sept 1867

States that
the purchasers of the
ground put up to Auction
under the sanction of
Govt within quoted
have not built bazaar
as stipulated and
solicits orders in
regard to the
disposal of the
land.