

Revenue (1897) Department.

PRESS SERIES.

G.O., No. 230

DATED 1st April

[Despatch Abstract.]

Lease.

Returning, with remarks, to the Government
Solicitor for further revision the draft form
of — for lands to be granted for coffee
cultivation on the Aramalais in the
Coimbatore D.T.

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 (1896) Department.

CURRENT No. 9236

The Hon. Mr. George C. L.

Order nisi

From Govt. Solicitor
Madras

The draft form
of the lease will be returned
to the Govt. Solicitor for
revision with reference to G.O.
694 of 4th Decr 1896

No. 656

2. In para 13 of that
~~GO above quoted~~ the Govt has
~~already decided~~ ^{declared} remarked
that the ques-

Dated 15th
Received 16th
Registered 17th } Decem 1896
Enclosures 1
Spare copies

tion whether any, and if so what,
compensation should be given ^{on account}
of the ~~construction~~ ^{proposed} by one lessee of a ~~branch~~
~~a branch road constructed by a~~
road passing through the lands of
private party ~~lease~~ ^{lease} ~~holders~~ ^{holders}
another ~~leased~~ ^{lease} land should be
left for its own decision as each
individual case arises. ^{The same}
principle should be observed in dealing
~~cases~~ ^{this re-} should be considered ^{with}
with the case of ^{applicability} to lands required for
roads

SUBJECT.

For forwarding, for approval
form of lease of land
on the Annamalai Hills
for Coffee Cultivation.

awaiting
reply
Recd 5/1/97

to construction of branch roads by the District Board. also if necessary to reserve to that authority the power to enter upon the demised land and take up portions thereof, maintaining for the purpose of constructing branch roads by subject to the payment of such compensation as the Govt may consider equitable to the Govt Solicitor with leave for the Dist. Board to the lessee

BACK PAPERS.

G.O.	No.	Department.	Date.

Note

It is presumed that no exception need be made in such cases of the District Board

B.M.
9.1.97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Read again the following M.O. No. 302 Rev. dated 18 Jan 1897 No. 656

Madras 15th December 1896.

From,
Ernest Barclay,
Government Solicitor,
Madras.



To,
The Secretary to Government,
Revenue Department,
Madras.

- Sir,
1. With reference to the Order of Government, Revenue Department, dated 28th September 1896 No 495, I forward herewith, for approval, form of lease of land on the Anamalai Hills.
 2. The red ink figures in the form of lease denote the paragraphs and sub-paragraphs of the above order. I have thought it as well to put these figures in but simply for the purpose of reference and in order to show the different paragraphs of the Order to which the provisions in the lease relate. The red ink figures should not be inserted in the printed form of lease.
 3. The second Schedule to the Lease is for the rates to be fixed for excepted trees and for which the Board of Revenue has been requested to frame and submit a table (See para 3 (VIII) of the Order)
 4. In para 4 of the Lease a blank has been left for the descriptions of "minor produce" which the Board of Revenue has been requested to define (See para 7 of the Order). This blank, as also the 2nd Schedule to the lease, should be filled up before the lease is printed.
 5. Para 6 of the Order says that the maintenance of the main road (through the land) when completed and the construction and maintenance of the necessary branch roads for the use of the public will devolve on the Local Boards. For the construction and maintenance of the main road I have been able to provide in the Lease by excepting from the demise sufficient land, for the construction of such road and reserving to Government the right of entering on the land comprised in the lease

Local Board Sept

[L. & M.
200-8-8-96]

NOTE FOR THE Secretary

It seems hard to ask the local boards to bear the cost of compensation for lands taken up for the branch roads in addition to the cost of their construction and maintenance. May not the lands required for the roads be reserved for the purpose now, before the grounds are assigned to the planter

NR
10/3/97

H.M.

I don't see how they can be pointed out now
Jg
22/3/97

I have the honor to be
Sir

Your Obedient Servant

Ernest Barclay
Government Solicitor.

I observe in the first place that before the G.O. dated 18 Jan 1897 no 302 Revenue Dept., which purports to saddle Local Boards with certain responsibilities or liabilities, was issued, this Dept was not in any way consulted.

I would strongly urge that the compensation for roads taken up shd be limited to the amounts specified in Art XII of the Rules in G.O. 28 Sept 96 no 495 Rev. The Local Fund Board

It should have been
H.M. Jg

Yes - certainly
H.M.

17/3/97

I haven't got the rule, & it is not put up Jg

22/3/97
For Jg - this is in the file - Mr. Forbes said it means para 8 (xii) of the G.O. - there is no XII

no XII
H.M. 22/3/97

is not likely to open ^{so many} roads
which will as to be burdensome
to any particular lessee.
Besides the general advantage
is paramount. The rates
proposed in the rule referred
to are in the circumstances
reasonable

J.P. 16/3/97

Returned to the Secretary
Rev. Sept.

S.P. 18.3.97

If the road goes through
much R 500 land it will
be burdensome.

J.P.
22/3/97

From

Hon. Mr. Secy. C. I. & L.

Dated

189 .

Hon. Mr. Secy. C. I. & L.

FOR ORDERS.

What the GO 18.1.97 R.D.
302

By about the Local Board is that
when it makes a road through
an Anamalai Plumber's land

With reference to the note in the L. & M. Dept

herewith circulated & to the remark of the

H.M. thereon, I would point out that the state-

it is to pay such compensation
as Govt may consider equi-
table due. The L & M. Secy

ment that G.O. 302 Rev. of 18/1/97 "saddles

Local Bds with certain responsibilities"

By, the order under the L & M
R.D. with a new liability. So it
does & it ought to have been
sent to the L & M. Secy for
counter signature. I do not

is inaccurate. The order states that each case

of compensation is to be settled as it arises.

Doubtless when the case arises it will be dealt

with in the manner suggested in the latter part

This is the
file for the
L & M. Dept
Note
180

Secy refers to, & it is not put up,
but apparently the reference to
ordinary land, whilst the land
under which we are now concerned
is coffee land & may be worth
R 500 an acre, having been
cultivated into coffee for 5
years or more. If the L & M
takes up such land it should pay
accordingly. I think the draft
should be passed.

of the note. It is suggested that the order in

the current may be dealt with.

18/3/97.

But this is exactly what the L & M. Dept said,
subject to the proviso that the order of compensa-
tion should be passed therefrom in para
8(xii) of the R.O. of Sept 25, 1896. If this is pointed,
there is no objection to the draft that I have
drawn up.

J.P.
22/3/97

Hon. Mr. Secy. C. I. & L.

22/3/97

Yes - this is what was
when first

J.P.
22/3/97

C. 19/3/97
R. 22/3/97

FOR ORDERS.

The Hon. Mr. J. C. J.

Alis

JG
22/3/97

To
The Secy to Govt.
L & M Dept

for favour of counterinitials
with reference to para 2
of the draft

JG

See note when the file
is in the hands
of the Secy to Govt.

~~It is recommended that~~
~~the Board should be asked~~
~~to pay the compensation~~
~~from the Local Fund Board~~
~~as the case may be.~~
~~The question of the recovery of~~
~~compensation so paid from the~~
~~Local Board cannot be provided~~
~~for in the lease, but the question~~
~~presents little, if any, practical~~
~~difficulty. The object in view~~
~~can be secured by the issue of orders~~
~~in the L & M Department, as oc-~~
~~casion arises~~

The question of the recovery of
compensation so paid from the
Local Board cannot be provided
for in the lease, but the question
presents little, if any, practical
difficulty. The object in view
can be secured by the issue of orders
in the L & M Department, as oc-
casion arises

* The District Board is unable to reason, & therefore
Govt. can exercise compulsion by inserting the necessary
provisions in the lease.

Read Cms. 1175 of 97

Order in use

The draft form of the
lease will again be returned
to the Govt. Solicitor for further
revision with reference to G.O.
No. 102 and 111 of 16th and 19th
Feb. 1897.

2. As regards the re-
marks contained in para 2 of
the letter read above, the Govt.
agrees with the Govt. Solicitor
in considering that it "must
contract to pay the compensation
as settled by the Collector and
recover it from the neighbouring
lessee or the Local Fund Board
as the case may be." The re-
payment of such compensation
by the Local Fund Board must
be secured not by any condition
in the lease but by executive
orders in accordance with the
provisions of Secs 36(d), 39, 45
46 and 153 of the Local Board
act of 1884. The Collector of
Coimbatore will be instructed to
take the necessary action in
the

the matter accordingly. The addition made in the lease in regard to the payment of compensation by the lessees themselves when necessary is approved.

To the Govt. Solicitor with lease
retd (Q & O)

The Collector of Coimbatore (A & O
but not lease)
Copy to the L & M Dept with copies
of G.O. 495 28.9.96 & 694 4.9 Dec 1896 302 10.1.97
(A & O but not lease)

Copy to the Board of Res. Land Res.
(A & O but not lease)

Note

The delay in the submission of the paper was due to the fact that the connected papers were in Circⁿ and in the Press and a copy of G.O. 102 16.2.97 was received only yesterday. G.O. 111 19.2.97 re: classified & other trees which are to be entered in the Schedules attached to the lease is still in the Press, and the Press has been instructed to expedite the printing of all the Anamalai papers. The form of the lease as drawn 5.11.97 it stands has been carefully checked and found to be framed drawn up in accordance with the orders of Sept & Dec? 1896.

C. No: 1175.

Roads on the Anamalais

Am to N. G. S. C. E.
Am to N. B. S. C. E.

Let L & M. Dept.

Please see separate
note 18.12.97

* This respectfully submitted that it was the order rather than G.O. 302 of 18.1.97 which loaded the Local Board with responsibilities.

R. C. 30/3/97.
R 30/3/97

G. O. No. 302 Rev. dated 18th January 1897 and the draft order on Current 1175 of 1897 are resubmitted for orders in the light of the following remarks.
Under clause (xii) of para. 8 of G.O. No. 495 Rev. dated 28th September 1896 Govt. is entitled to resume "any portion" of the leased land required for public "purposes" on payment of compensation at the rates specified in that clause. Para. 3 of the same order lays down that the construction and maintenance of the necessary branch roads for the use of the public will devolve on the Local Boards. Any land which may be taken up for the purpose of constructing such branch roads falls, it is submitted, under the category of land required for public purposes and this being so is resumable by Govt. on payment of compensation in accordance with the clause

to which reference has just been made.

Para. 2 of G. O. No. 302 Rev. dated

therefore
18th January 1897 appears to call for

revision and there seems no necessity

to make any specific mention in the

lease of compensation payable in the

particular case of land taken up for

the construction of Local Fund roads.

Under clause (xii) Govt. is liable to

pay the requisite compensation and

will presumably not take steps to re-

sume the land unless the Local Board

gives an undertaking to reimburse

the compensation paid on account of it.

D
24/3/97

Govt in these orders is letting the
terms of a lease between the
Mamatai Plunder & itself - to
which the Lt. H. is no party. It
can not I think bind the Lt. H.
in any way in the transaction.
It may intimate to the lessee that
it will use its power only in a
particular way & it is so I
understand G.O. No. 302 but I do
not see how it imposes any

responsibility thereby on the
Lt. H. The Land can be
taken up at any time by either
under the Act or under the
lease but it must be by
Govt. I urge this matter not to
defend the non-circulation of the G.O.
to the Lt. H. Dept. which was an oversight
perhaps but because the matter
underlies the functions raised in the
G.O. in it down to me. 11/4/97.

It should be revised

85

HS

85

30/3/97

HS

30/3/97

To Rev. Sept.

Secy

to personal

11/4/97

The lease is no doubt between
Govt & the lessee. But the
point is that Govt. should
protect the Local Board
from paying for land taken
up for roads more
than is stipulated in
art (xii) of para. 8 of G.O.
28/9
24/10/96 no 495 Rev.

So long as that Govt. stood
the Local Board was, I think
sufficiently protected, for the
land for roads would be taken up
by Govt. for a public purpose,
& the article (xii), which I have
just referred to, would apply.

But in G.O. 18/1/97 no
302 Rev. para. 2, the Rev.
Dept. seemed to have de-
parted from that principle
for it intimated to the Govt.
Solr that it should be provided
in the lease that the exercise
of the power of the Local Board
to take up land for roads
should be subject to the payment
of such compensation as the
Govt may consider to be

small
"equitably due from the Board
to the lessee."

An "equitable" payment
is not at all necessarily the
same as a payment regulated
by act (xii).
Hence my objection.

So long as the liability of
the Board is, under the wing
of Govt, limited to by act (xii)
~~this is kept outside the~~, & such
limitation is made clear,
this Dept. will be satisfied

J. F. 27/3/97

To Rev. Dpl. no.

See 4 p. 20

This is exactly what my note
of the 24th inst. was intended to
advocate

26. 3/97

V.E
Cib 230
1-11-97

From Council minutes

For orders as to
whenever the G.O.
shd be printed

pm
7. IV. 97

See 4
to face

Yes
Issued
J.F.

Rev. dated 18th Janu-

5 of 1897.

2/1st April 1897.

ft form of lease will
d to the Govt. Solicitor
sion with reference to
111 dated 16th and 19th
ively. With reference
s letter, the Govt. Soli
nformed that on reconsi-
vt. is of opinion that
d contain no reference
y of the Local Board
tion for land taken up
ction and maintenance
. The resumption of Jan

22nd
"equitably due for
to the lessee."

An "equitable
is put at all necessa-
same as a payment
by Act (xii).

Hence my.
So long as the
the Board is, under
of Govt., limited to
this Dept. will be
limitation is made
this Dept. will be

J. J. F. 26/37
To the Expt. as.

Printed
for the
Govt. of
India
1/4/97

READ---

G. O. 302 REV. dated 18th Janu-
ary 1897 and

Current 1175 of 1897.

2/8

Secy
L. M. Dept
for favour of counterintail
8/2/97

Forest No. 64
ORDER:- No. 220 of 1st April 1897.

The draft form of lease will
again be returned to the Govt. Solicitor
for further revision with reference to
G. O.'s ¹⁰³ 102 and 111 dated 16th and 19th
February, respectively. With reference
to para. 2 of his letter, the Govt. Soli-
citor will be informed that on reconsi-
deration the Govt. is of opinion that
the lease should contain no reference
to the liability of the Local Board
to pay compensation for land taken up
for the construction and maintenance
of branch roads. The resumption of land

for these purposes will presumably be covered by the condition corresponding to clause xii of para. 8 of G. O. ^{ho 495} ~~1000~~ Rev. dated 28th September 1896. ^{They} ~~It~~ must be taken up by Govt. which will be liable to pay compensation at the ~~same~~ rates specified. The question of the recovery of payments so made from the Local Board will be settled by the issue of orders in the Local & Municipal Department from time to time as occasion arises.

To
The Government Solicitor,
The Local & Municipal Department.

Government {1897} of Madras. REVENUE.

Recd.

Enclosures

Regd.

1897.

Spare copies

G.O., No. 230, 1st April 1897.

APRIL.

Lease.

Returning, with remarks, to the Government Solicitor for further revision the draft form of — for lands to be granted for coffee cultivation on the Anamalais in the Coimbatore district.

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES
RECEIVED. { Order complete.
Letter only.
Order complete with Letter.

READ AGAIN G.O., No.
189

DATE.

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED BY MYING MEANT FOR DESPATCH
IN ORIGINAL.

A.P.

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.