M.R.O. 14–5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2419 Press ~~Mis.~~

291-292

Dated 15—10—1867.

Not to be folded or roughly handled

M.R.O. 14-5,450—22-10-25.

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Proceedings of the Madras Government, Revenue Department,
15th October 1867.

No. 291. Read the following letter from the Government Solicitor, to the Secretary to Government, Revenue Department, Fort St. George, dated Madras, 8th October 1867, No. 653 :—

Dated 27th September 1867, No. 2,262, Revenue Department.

1. I have the honor to acknowledge the Proceedings of Government noted in the margin, with its enclosures, requesting the Acting Advocate General's opinion as to the power of Government to enforce the condition of sale of certain building sites in Trichinopoly relating to the erection of buildings according to the specified plan.

2. I have submitted the matter for the consideration of the Acting Advocate General; and

3. I now forward a copy of his opinion on the subject, and also return the enclosures above noted.

OPINION.

I am of opinion that the last clause of the Certificate submitted with this reference constitutes a binding obligation on the parties holding under it to "construct a terraced verandah as shewn in the Engineer's plan;" and that by means of the conditions of sale this plan can be identified as being the plan referred to in those conditions. The only mode of enforcing the obligation is by an action for specific performance. The land cannot be recovered in consequence of the breach of covenant.

(Signed) J. D. MAYNE,
Acting Advocate General.

5th October 1867.

No 292. ORDER THEREON, 15th October 1867, No. 2,419.

Miscellaneous.

1. Ordered to be communicated to the Acting Collector of Trichinopoly, with reference to his letter dated 14th August 1867.

2. He will forthwith take the necessary steps to enforce specific performance of the conditions of sale.

(True Extract.)
(Signed) W. HUDLESTON,
Secretary to Government.

To the Acting Collector of Trichinopoly.
,, the Government Solicitor.
,, the Board of Revenue, with G. O. 27th September 1867, No. 2,262.
,, the Public Department.

Exd. S. T. Augustin.

No. 2119. 2a

Commissioners of Inland Revenue

Chichester

Collector

I think that the Collector should be directed to proceed for specific performance of this contract in the usual manner

[illegible]

14th Feb 1866

Ex. 80. 27th Sept 1867

5 Chas Forbes Public Dept

Mr. Forbes will take the necessary steps to enforce specific performance of the conditions of sale

15th Oct. 1867.