

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. // 8

DATED 8th Jan'y 1897

[Despatch Abstract.]

Stating that the Govt. agrees with the Board of Rev,
that in considering that the land required should
be acquired and the draft declaration being approved,
will be published in the Fort. St. George Gazette and
that that the Collector is competent to sanction
the grant of land in exchange, free of assessment,
reporting ~~that~~ for information, that the assessment
leviable on Govt. land to be given in exchange
for that of Mr. Edmiston, would amount, ^{to} if assessed.

BACK PAPERS.

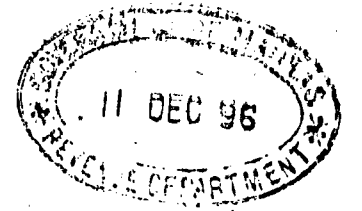
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Chs. 202577.							
Exp. 1946 Revenue 7-2-77							

Revenue
~~Public~~ (1896) Department.

CURRENT No. 9096



From The Board of Revenue
(Land Revenue)
Madras.

No. 5468 this

Dated 9th December 1896
Received 11 — 12-1896
Registered 11 — 12-1896
Enclosures 4
Spare copies

Order

SUBJECT:

Submitting to Govern-
ment for the information
regarding the proposed
acquisition of Mrs.
Edmiston's land at
Aotaramund.

recd 12.12
all 14/12

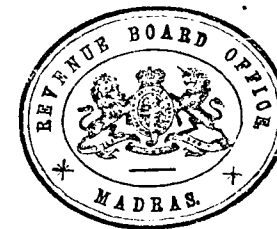
BACK PAPERS.

G.O.	No.	Department.	Date.
to	4496	12-11-95	
"	2102	6-5-91 copy	
"	232	9-3-92	
1318	1382	20-1-93	22-9-95
to	4475	8-11-95	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

(2,000-27-11-95.)



Proceedings of the Board of Revenue

(Land Revenue),

Dated

9th December 1896

No.

5468 Dis.

READ

Government Order, Revenue Department, dated 12th November 1896, No. 4496.

Resolution

In reply to para 1 of the G.O. read above, the Board submits that as Mr. Edmiston's land was required for inclusion in a reserved forest, a recommendation to acquire it under the Land Acquisition Act was made in accordance with the

the general rule, laid down by
Government in its order No. 408
dated 6 May 1891 and embodied
in para 1 of Standing order
No. 11. This rule directs that
lands permanently required
for public purposes "should
invariably be taken up
under the Act". The rule was

applied to an exchange of
land, similar to the present
one, in G.O. No. 238 dated
9 March 1892 (B.P. $\frac{485}{2-9-92}$)

2. As will be seen from para
4 of B.P. Forest No. $\frac{1383}{23-9-95}$ and
the procedure adopted in the
case of Mr. Martyn was
special and Government
sanctioned it in G.O. No. 19

No. 4475 Revenue dated 8
November 1895. It is more-
over understood from a
subsequent letter received
from the Government-solicitor
that Mr. Martyn^{had} purchased
from Government the lands
which he gave in exchange,
so that his title thereto
was unquestionable.

/ True To hart /

Receiv
Secretary

To
Mr Secretary to Govt.
R.D. with 2 letters
+ a sketch to be used
+ a draft notification

CS
L.H.

Sp 8/1/97

The Hon. Mr. C. P. C. P.

Accepted for signature
for

But to enable Govt. to
properly understand the
proposed exchange it is
necessary to know

c. 5/1/97

Read again G.O. No. 4496 min
12.11.96

Read also No. 9096/96

G.O. mis No. 1184/8th Jan'y 97

The Govt. agrees with
the Board of Revenue in
considering that the
land required should
be acquired under the
Land Acquisition Act
I of 1894. The draft
declaration is accordingly
approved and will be
published in the Fort St.
George Gazette.

2. As regards the grant
of land in exchange
free of assessment, it is
observed that under sec. 31A
of the Land Acquisition
Act the collector is competent
to sanction such an arrange-
ment provided of course
that the market value
of the land proposed to be
granted together with the
capitalized value of the
assessment to be foregone
does not exceed the

amount of money com-
pensation which may
be awarded on account of
the land to be acquired.
The circumstances of
the case do not, in the
opinion of H.E. the Governor
in Council, call for any
special treatment. The
Collector should be called
upon to report ^{on this point} what ~~is~~ ^{is} ~~is~~ ^{is}
~~the~~ ^{leviable} assessment on
the Govt. land proposed
to be given to Mr. Edmiston
in exchange for his land.
would amount to if assessed

18/11/97

To the B^d of Rev (L.R.)

in a Supt. Govt. Press
with a copy of pub^l in the
Gazette.

Dec. 14-197

Note.

Note. The papers relate to the grant free
of assessment of certain Govt. land in
Kotagiri village, Nilgiri Dt. reserved for
forest purposes, measuring, 41.45 acres,
to one Mr. Edmiston in exchange for two
^{of land} bits belonging to him in the villages of
Kotagiri and Konakarai in the district,
measuring 5.79 acres. The Govt. forest
land is reported to be rocky and devoid
of valuable forest, while Mr. Edmiston's
land, though much less in extent, is
stated to be more valuable and suitable
for reservation. It appears that the Govt.
land which is very close to the estate
of Mr. Edmiston is required by him for a
grazing ground and also to "square off"
his boundary and to keep away trespassers
while Mr. Edmiston's land is required by
Govt. for rounding off the boundary of the
Kannavara reserved forest and for uniting
Kannavara ~~the~~ addition No. 2 with the ~~the~~
~~the~~ main reserve. Thus the exchange
proposed will be advantageous both to the
Govt. and Mr. Edmiston.

2. The Collector apparently intended

that the exchange proposed should be sanctioned as a private arrangement by an order of Govt. But the Board considers ^hat following the general rule the land required by Govt. in the present instance ^{also} should be acquired under the Land Acquisition Act. It is submitted that the Board is right. Hence para 1 of the draft order.

2. The ^hnext question is as to the terms of the exchange proposed. Under section 51 (4) of the Land Acquisition Act I of 1894, the Collector is competent to enter into any arrangement with any person interested in the land and competent to contract in respect thereof, i.e. (reading all the ^hcauses of the section together) the Collector may, instead of awarding money compensation in respect of any land, grant other lands in exchange, remit land-revenue on other lands held under the same title, or make such other arrangement as may be equitable, having regard to the interests of the parties concerned.

In the present case, therefore, what the

Govt. land in exchange and remit the land revenue thereon, provided of course the

I do not know under what authority this proviso comes in.
11/5/17

** 15 p.c. of the market value*

market value of the land to be granted together with the capitalized value of the assessment to be remitted, does not exceed the money compensation which may be awarded under the Act for the land proposed to be acquired. The market value of this land is reported to be Rs. 547-6-5.

Supposing the acquiring officer accepts this estimation, the amount to be awarded will be Rs. 547-6-5 + Rs. 52-1-9, or Rs. 599-8-2.

As the market value of the Govt. land proposed to be given in exchange is stated to be Rs. 207-4-8, the amount of annual assessment which may be foregone will be $5\frac{1}{2}\%$ of the difference between the two amounts- namely, $3\frac{1}{2}/100$ of (Rs. 599-8-2 - Rs. 207-4-0) or $7/200$ (Rs. 192-4-2) = Rs. 6-11-7

It is not known ^hat the assessment on the Govt. land would be. Its extent is reported to be 41.45 acres. It is submitted that the Collector should be called upon to report on this point. The Act does not provide for any special concession being

11/5/17

lic, dated 6th June 1872.

There is no function of
Conscience in the matter.
The only function is whether
Ent. considers that Mr.
Whiston's land is worth
that which he buys with.
It is a matter of fact - for any
man of its own. If Whiston
pays the money compensation
of Mr. Whiston's land the
question is whether Ent.
is prepared to give or he takes
in his of it - payment in Mr.
land.

Yes, but we are not. No: I
give away land, whether we have
we get as good for good for it as
not, into our two hands of the
of 75, so further information as
called for in the Draft seems
be necessary.

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

} 189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.