316 R & C 3-9-97

Revenue (189 7) Department.

MISCELLANEOUS SERIES.

G.O., No. 3294

DATED 29th June

[Despatch Abstract.]

Referring with remarks, to the Collector of Madras, petition from Grant & Greatorex Esqrs Madras, praying that the quit rent may not be imposed on certain lands.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	8070/97						
	8259/97 confl						

Revenue

Political (1897) Department.

CURRENT No. 4860

Order

From Grant & Greatorex Esqrs., Madras.

No.

Dated 5th June 1897

Received 10-6-97

Registered

Enclosures 1

Spare copies

SUBJECT.

Praying that suit-rent may not be imposed on certain lands.

BACK PAPERS.

G.O.	No.	Department.	Date.
Lo	421	&	6-7-64
"	503	&	9-8-64
"	82	&	9-2-63
"	329	&	4-7-63
"	4031	&	20-7-81
"	2867	&	30-5-81
"	2742	&	14-8-83
"	1244	&	4-4-82

FURTHER PAPERS.

G.O.	No.	Department.	Date.

E

Cuo. 4860 of 1897.

G.O. Mis. no. 3294 of 29th June 97.

Referred to the Collector of Madras for report as to the nature of the tenure of the land in question and as to why the quit-rent was not levied in the past. Pending further orders, the sale of the land should be stopped.

Hon'ble Mr. Grose C.I.E.

29/6/97

NOTE FOR THE Secretary

As the sale is to take place on the 1st July/97 the G.O. may be added to the G.O.

2. Add that the Collr. of Madras

Postpone sale Vyasarpadi lands fixed for 1st proximo

vk
29.6.97

C 28/6/97

On behalf of certain inhabitants of the village of Vasarpadi situated within the limits of Madras, Messrs Grant & Greatorex, Attorneys-at-Law, state that in March 1893 the Rev. Dept. attempted to lease a portion of the land comprised in Survey No. 40 in that village for the purpose of a

a lime kiln, that the Mirasdars objected to the lease on the ground that the land was a Inirasi land belonging to them and not forming the property of Govt., that, after some Correspondence, the Mirasdars were informed by the Rev. Dept. that the Govt would no longer question their right or title to the land, but that they should pay to Govt the Sum of Rs 5742-8-- being the arrears of quit rent on an extent of land measuring 18 Cawnies 5 Grounds x 1288 Sq ft for 60 years at Rs 5-4 per Cawnie for a year, that subsequently an extent of land measuring 24 Cawnies 5 Grounds x 1288 Sq ft was attached for a Sum of Rs 7632-8 and a notice was published that if the said amount together with interest & costs were not paid on or before the 25 May

May 1897, the said land would be brought to sale. The date of sale has since been postponed till 1st July 1897.

The petitioners contend that the land is a waste land and that until it is brought under cultivation, it is not liable to pay quit rent. Enquiry it is said has been ordered by Govt that it is liable, they urge that the Govts right to quit rent in the circumstances for a period of 60 years is illegal and the rate charged is excessive. My respect therefore that the Govt may issue such directions as they may deem proper regarding the question of quit rent and for stopping the sale of the land

The petitioners Appeal to the Board was rejected as out of time. But no copies of the orders of the Bd. or of lower authorities are forwarded by the petitioners

The

The claim for the quit rent of 60 years would appear to be laid upon the mirasdar. From the papers available the nature of the tenure of the land is not clear. If it is still an ordinary waste land at the disposal of Govt the liability to pay quit rent could arise until it is brought under cultivation or formally applied for and assigned. From the judgment of the High Court printed in Govt 2742 Miscl, dated 14-8-1883 it would appear that the mirasi land in question is one in which the mirasdar is possessed of saleable property. Possibly the land is waste land held by the mirasdars in the same way as Varapat or tax paying lands, and hence its liability to pay quit rent. As for the omission to levy quit-rent, it was possibly due to a mistaken impression that land was waste land at the disposal of Govt, but the point was made sufficiently clear in the High Court Judgment referred to above.

As there are no complete records on the subject it is submitted that the petition may be referred to the Collector for a full report. Copies of the orders passed by the Board and the Lower authorities are not likely to throw sufficient light on the point, and hence the above endorsement.

2. Petitioners may pay the quit rent demanded under protest & then fight out their case. Copy of the order appealed against is not enclosed to the petition. Instead of calling for a report from the Collr,

Para 2, C Rules

may be seen.

I think not. The papers complete

28/8/17.

CK. 28/8/17

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	A	A	A	A	A	A	A	
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