Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 4522

DATED 30 Aug 5

[Despatch Abstract.]

Approving the instructions issued by the Board of Rev. re. the disposal of the waste lands assigned temporarily in certain villages in Madura & Melur Taluks, Commanded by the Periyar Project.

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 (1897) Department.

CURRENT No. 6584

SECT. GOVT. MADRAS 31 JUL 97 REV. DEPT.

Order No 4522 dt 30 aug^t 97

The Govt agrees with the Board.

Wrks 28.8.97

To the Bd L.R. 3 enclos.

From The Board of Revenue, Land Revenue, Madras.

No. 2831 Misc.

Dated 28th July 1897.

Received 31.7.97

Registered

Enclosures

Spare copies

SUBJECT.

Issuing instructions to the Collr. of ~~Madras~~ Madura reg. the disposal of Govt. waste lands assigned ~~to him~~ temporarily in certain villages in the Melur & Madura taluks commanded by the Periyar Project.

2.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

3,000
10-12-96.

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue

(Land Revenue)

NO.2831 Misc.dated 28th July 1897.

Full Board.

Read letter from J.Twigg Esq.,Collector of Madura - to the Secretary to the Commissioner of Revenue Settlement,Land -- Records & Agriculture,Ref.on C.NO.254-Genl.dated 31st May 1897;And the following endorsement of the Settlement Dept. thereon dated 15 th -- June 1897:-

"Transferred to the Land Revenue Department."

Resolution.

With reference to the first question raised in para 5 of the Madura Collector's letter,the Board considers that,as in the case of similar lands commanded by the Peddalanka channel in - the Kistna District,the occupants of the 457.59 acres assigned on temporary patta in the Madura & Melur taluks between the years --- 1886 & 1890 may be given the option of paying for the occupancy -- right at the average auction rate realized for waste lands sold by auction,after excluding the area which they are entitled to obtain on durkhast.Failing such payment,the temporary pattas will be liable to be cancelled at the discretion of Government and the lands sold by public auction.In this connection the attention of the Collector will be drawn to para 2 of G.O.NO.4348 Mis.dated 7.10.92, printed in Board's Proceedings NO.632 dated 3rd November 1892,under which a condition should be attached to the sale that so much of the land as may be required for channels shall be given up by - the purchaser on refund of the proportionate part of the purchase money.

2.

2. In regard to the Collector's suggestion in para 7 viz, that the lands held on temporary pattas should be treated as in the holding of the pattadars in order to enable them to claim fresh land up to 50 per cent under para 4 of the Notification issued in Board's Proceedings No. 355, Sett. dated 4th November 1895, it is observed that as temporary pattas do not give the holders thereof any right to the lands themselves no claim for additional allotment can be founded on them. The Board is not, however, disposed to disturb the assignments already made in Melur in accordance with the Collector's view.

3. The Board does not concur in the Collector's opinion that the yearly patta granted for the 44 cents referred to in para 8 and for which the Periyar water is not likely to be required at any time, should be treated as practically permanent and that the pattadar as ~~such~~ such is entitled to compensation when the land is acquired in order to prevent the springing up of bazaars &ca. in the locality. The patta is clearly one from year to year and is renewable or not according to circumstances. The pattadar is aware of this and has no ground for complaint if the Government assignment made to him is resumed.

(True Copy & Extract)

Reelan

Secretary.

TO

The Collector of Madura.

Copy to the Secretary to Government, R.D., with Collr's. letter & 2 enclosures to be returned.

Q.B.

Re. temporary pattas granted in Madura

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

A.

para 1 of collr's letter in page flagged B

5392

24890

9.10.92

they would be liable to be classified. Govt ~~choose~~ might choose ~~choose~~ & sold

C No. 6584 of 1897

For orders.

With the above current, the Board of Revenue submits to Govt a copy of its Proceedings in which it has issued instructions to the Collector of Madura regarding the disposal of certain waste lands commanded by the Periyar Project, which had been assigned on temporary pattas.

In G.O. No 362 dy 18.1.86, the Govt directed the Board of Revenue to issue ~~instructions~~ such orders as would effectually prevent the permanent alienation of any lands at the disposal of Govt in the Madura District that might be required for the excavation of channels in connection with the Periyar Project. In communicating this order to the Collector of Madura the Board of Revenue observed that there [illegible] be no objection to the such lands being annually leased on condition of the same being given up without

Compensation when required by Govt. Accordingly 208.35 acres in the Madura Taluk and 249.24 acres in the Melur Taluk were assigned on temporary puttas till the year 1890. when further assignment of lands on Conditional leases was ordered by the Board of Revenue to be discontinued on the Collector's representation that the Project was likely to be Completed soon and that the grant of lands even temporarily would give room to Complication. It appears that in the Case of lands assigned in the Madura Taluk the Tahsildar had imposed the Condition that they should be given up without Compensation if required for Periyar Channels, while in the Case of the assignments made in the Melur Taluk it was stipulated not only that the lands should be given up without Compensation if required by Govt, but also that on completion of the Periyar Project they would be liable to be classified Govt might choose & sold auction if desirable.

B.P. No 5322 / 21.8.90 Flagged B

In Go 4348 / 7.10.92

Flagged D

But he distinctly said that the lands were assigned temporarily

Flagged F

Flagged A

How "ultra vires"? If there was authority to give the land permanently, there was certainly authority to give it temporarily.

Flagged

Now that such of the waste lands commanded the Project as are available after the reasonable requirements of the resident ryots have been satisfied, are to be sold by auction, the Collector Mr. Twigg, has raised the question as to how the lands temporarily assigned on Conditional leases should be dealt with. He is of opinion that as the original intention of Govt in issuing its order No 362 of 18.1.86. was to reserve only such lands as might be required for channels &c the absolute prohibition against the assignment of all lands in the Periyar affected villages ordered by the Collector in 18[illegible] as also the conditions as to resumption & sale imposed in the Case of assignment in the Melur Taluk between we ultra vires. Mr. Twigg therefore says that the [illegible] by the Collector in Connection with these tempora[illegible]

temporary puttas should be converted into permanent puttas subject to the same conditions as to the surrender of lands required for channels, as those issued for waste lands newly assigned under rule 4 of the rules appended to B.P. no 355 dy 4.11.95.

The Board, however, does not concur with the Collector but considers that as in the case of similar lands commanded by the Peddalauka Channel in the Kistna District, the occupants of the 457.59 acres assigned on temporary puttas in the Madura & Melur Taluks between the years 1886 & 1890 may be given the option of paying for the occupancy right at the average auction sale rate realized for waste lands sold by auction, after including the area which they are entitled to obtain on darkast & that failing such payment, the temporary puttas should be cancelled at the ... of the Periyar ...

flagged E,

please see concluding portion of para 5 of B.P. flagged H

Vs. an area being an assessment which shall not exceed 50% of the assessment of their present holding - excluding these temporary held lands
[illegible] 27.8.97

5

I agree with the Bd
JG

flagged G,

In both taluks the lands were given temporarily
JG

In the Melur Taluk there can be no question
[illegible] 27/8/97

at the discretion of Govt and the lands sold by public auction.

The temporary assignment of land under the Peddalauka channel, referred to by the Board of Revenue were made in pursuance of a notification published by the Collector under which the cultivators were given distinctly to understand that they would have no occupancy claim therein. In the case of the temporary puttas granted in the Madura Taluk however, the only stipulation was that the lands might be resumed by Govt without compensation if required for the Periyar channels when the Project came into force.

It is a matter for consideration whether the Board's instructions to the Collector on this point should be approved.

Another point raised by the Collector in connection with these tempor...

is whether the lands comprised therein should be treated as in the holding of the puttadars so as to give them a claim to apply for fresh unoccupied land subject to the limit prescribed in para 1 of rule 4 of the rules printed in B.P. no 355 dy 4.11.95.

Mr. Twigg says that the lands in question had been so treated in the Malur Taluk but not in the Madura Taluk & recommends that the course adopted in the former Taluk should be followed in the latter also & that the assignments already made should be revised accordingly.

The Board however, points out that as the temporary puttas do not give the holders thereof any right to the lands themselves, no claim to additional allotment can be founded on them, but remarks that it is not disposed to disturb the assignments already

flagged E,

I think the Bd is right, & do not see that any difficulty will arise from the fact that additional allotments have been granted in one taluk but not in the other. The extent involved is small

JG

Go. flagged C3

It is only granted temporarily. It is not stated that the land will be left to the holder permanently if it is not wanted for irrigation channels.

JG

already made in the Melur Taluk in accordance with the Collector's view. It is however for consideration whether two neighbouring Taluks may be allowed to be treated one in one way & the other in a different manner.

A third point raised by the Collector is this:— To prevent the springing up of barracks &c. in the vicinity of the site of the new officers quarters in the Race course in Madura the Govt sanctioned the acquisition of certain lands. A portion (44 cuts) of these lands is held on an annual putta granted as already stated, subject to the condition as to resumption in case it should be required for Periyar channels. The Collector says that as this land is not affected at all by the Periyar works, the putta should be treated as practically permanent & that the puttadar should be held entitled to compensation, now that the

required for a purpose entirely different from that on account of which alone a permanent patta was not given in the first instance. ~~Here~~

Here again the Board does not concur with the Collector. It observes that ~~as~~ "the patta is clearly one from year to year & is renewable or not according to circumstances" and that "the pattadar is aware of this and has no ground for complaint if the assignment made to him is resumed."

It seems clear that the pattas granted (both in Madura & in Melur) were temporary. They should have been permanent with a condition as to their being given up if required for Periyar channels. But although this condition was inserted yet the ~~patta~~ grant was described to the grantee as "temporary". This seems to be the Board's it is not responsible for the assignments already

The Bd is right
JG

(89)

I dont think it is doubtful that annual leases such as have been granted can always be terminated at the end of the year

Yes
JG
28/8/97

[illegible] the Bd seems to hold that Govt is at liberty to terminate the currency of these temporary pattas at its pleasure whether the land is wanted for Periyar channels or not. This is certainly the case in Melur Taluk but the point is, I submit, very doubtful in Madura Taluk.

[illegible]
27.8.97

The intention of Govt was plain (vide A on 1st page of the note). In giving effect to those instructions the Govt Hundred in the case of Madura. Even if the Patta be not temporary Govt is not bound. But it is a very doubtful point whether the Patta is temporary or conditional in the case of Madura (vide flag. D.) ~~[illegible]~~ In Melur no question arises. That it is not permanent. I submit therefore that the Bd is right and that there is no need to compensate in any of these cases.

[illegible]
27/8/97

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