

PRESS SERIES.

G.O., No. 774

Dated 9th September 1897

[Despatch Abstract.]

Sales by auction of river accretions in South Canara and Malabar.

Accordingly sanction for the sale to one Buvachi Kaji of Malabar of certain accretions at Rs. 10 per acre, and directing, in modification of G.O., No. 933, Revenue, dated 24th October 1893, that not only should —, conducted by Divisional officers, be subject to confirmation by the D. Collector but also that he be authorised to dispose of the accretions otherwise than by auction at discretion.

4940097
REV. DEPT.

Approving of the South Canara -
Collector's proposals to authorize
Divisional Officers to order sale
of land under para 12 of the spe-
cial Darkhast rules of the Dis-
trict and of river accretions, the
sales being in both cases subject
to confirmation by the Collector
and informing the Collector of -
Malabar that he may take orders -
in exceptional cases of river ac-
cretions when he considers sale -
by auction to be inadvisable and
requesting the sanction of Govern-
ment for the sale at Rs.10 per --
acre of certain accretions referred
to by the Collector of Malabar.

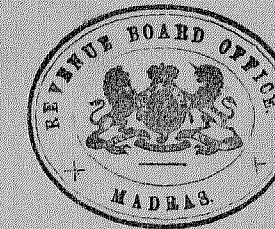
Order

BACK PAPERS.

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FURTHER PAPERS

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue (Land Revenue)

NO.2895 Misc.dated 3rd August 1897.

Read the following letter from W.H.Welsh Esq., Col--
lector of South Canara to the Secretary to the Commissioners of --
Land Revenue, Madras, Dis.NO.859-Ver dated 28th June 1897.

I have the honor to seek the Board's instructions --
whether the amendment ordered in Board's Proceedings NO.232 L.R.,
dated 26th June 1896 ¹⁵ for paragraph ¹² of Board's Standing Order NO.30
(new edition) may be held to modify paragraph 12 of the special --
Durkhast Rules sanctioned for this District in Board's Proceedings
NO.48 L.R.dated 12th February 1895. The amendment declares that the
sale of land ordered under the Durkhast Rules will be subject to --
confirmation by the Collector.

2. I take this opportunity to request instructions if
sale of river accretions may be put under similar restrictions. At
present the sale of accretions, subject to assessment, is governed --
by G.O.dated 24th October 1893, NO.933 R.D. embodied in Board's Pro-
ceedings dated 20th November 1893, NO.668 L.R. The G.O. does not re--
quire special sanction either of a Divisional Officer or of the --
Collector either for their sale or for their confirmation.

Read also the following letter from the Collector --
of Malabar Ref.on C.NO.1520-R.97, dated 21st June 1897.

I have the honour to request that the provisions of
Board's Proceedings NO.668 L.R.dated 20th November 1893 may be so
far modified as to allow the Collector of this District to use his
discretion in putting up river accretions to auction. As the order
now stands, the sale of such lands by auction is obligatory.

2. River accretions in Malabar are generally reclamations. The occupier will usually attorn to Government if he is only asked to pay the jennabhogam or buy the land. But when he finds that he has to bid for the land at auction and thereby run the risk of losing the fruits of his labour, he will in most cases try his luck in a civil court. In this District where all land is presumed to be private jenmam until the contrary is proved, it will often be difficult for Government to defend such suits successfully. The occupier will say that if he has more land in his holding than is shown in the accounts, it must be due to the incorrectness of the original measurements, and the Government will find it hard to prove the contrary.

3. A case recently occurred. One Bavachi Keyi was found to be in possession of three or four acres more than he should have had according to the accounts. As his lands adjoined a river, the excess was believed to be an accretion and was ordered to be sold by auction under the orders above quoted. Bavachi Keyi immediately sent me notice of a civil suit. Wishing to compromise the matter, if possible, I asked the Tahsildar to ascertain if Bavachi Keyi would take the land on quit-rent if the auction was stopped. I intended applying to the Board for orders if the answer was favourable. But the answer came during my absence on leave and the land was ordered to be sold to Bavachi Keyi at Rs. 10 per acre. The Board's orders were not obtained through an oversight.

4. Similar cases will be of frequent occurrence, and, apart from the expense and trouble to which we shall be put in defending civil suits, I submit that it is inequitable to disturb the man in possession especially when, as is often the case, he has effected the reclamation at a great expense.

Resolution.

The Collector's query in para 1 of the letter first read above, as to whether Divisional Officers may be authorized to order the sale of lands under para 12 of the special Darkhast rules of South Canara, the sale being subject to confirmation by the Collector, will be answered in the affirmative.

2. The suggestion, that Divisional Officers may be authorized to

order the sale by auction of river accretions, the sale being subject to confirmation by the Collector, is also approved. This procedure will be followed in all districts.

3. In his letter NO. 1520/R. 97 dated 21st June 1897, the Collector of Malabar points out that river accretions in his district are generally reclamations effected at great expense by the adjacent land holders and that, it will be hard to compel them in all cases to buy such accretions at auction. Mr. Dance suggests that he may be permitted at discretion to dispose of the accretions otherwise than by auction. Government having decided that river accretions are absolutely at the disposal of the State and that they should as a rule be sold by auction, the Collector will be informed that the rule must be maintained but that in exceptional cases where he considers sale by auction to be inadvisable, the orders of the Board and Government should be sought.

4. The Board requests the sanction of Government as a special case, for the sale at Rs. 10 per acre of the accretions referred to in para 3 of the Malabar Collector's letter.

(True Copies & Extract)

R. C. S.
Secretary.

TO

The Collector of South Canara.
The Secretary to Govt., R.D. ✓
The Collector of Malabar.

Gopd. Q.B.

77
9-4-97

C.A. 6803/97

The Hon. Secy of Govt C.S.E

Go this

Hon. Mr. H. Blair K.C.

with reference to Hon. Mr. Grier's
remarks below.

The sanction asked for in para
4 of the Pros of the Board of Revenue, read
above, is accorded.

11/8/97

I submit that both in J. Canada &

and elsewhere the ^{by auction} sale of river

The Board of Revenue (C.A.)

estimates which are almost invariably

(A.)
20 aug 97

reclamation is of very doubtful

expediency and may work great

inconvenience. I think that in both

cases the ^{best} interest of the country is

confirmation of the ^{best} ~~law~~ and that

in the former to understand that

he may ^{fully} ~~suppose~~ the ^{of sale} ~~rule~~ when he

considers it likely to work hardship

12/8/97

I agree; but as the ^{proposed} ~~alteration~~ of an order of ^{the} ~~Govt~~ ^{two}

proposals must be circulated to
another member 25/8/97

Dr. R. H. 11/8/97

I agree with the ^{Board} ~~Board~~ ^{of Revenue} ~~Board~~

29/9/97

34
Read @ No. 6803 of 17

G.O. (Pres) No. 774 of 27th Sept. 1897.

The sanction asked for in para 1 of the proceedings read above is accorded.

2. With reference to para 3 of the proceedings the Govt. considers that in S. Canara and Malabar the sale by auction of river accretions which are almost invariably reclamations is of very doubtful expediency and may in cases be productive of considerable hardship. in modification of G.O. No. 988 Rev. dt. 24/10/93 It accordingly directs that in both the districts not only should such sales be, as in other districts, made subject to confirmation by the District Collector as ordered by the Board in para 2 of its proceedings but also that the Collector be given power to freely suspend the sale whenever he thinks it

likely that its enforce-
ment would work
hardship.

1/9/97.

From orders
A.
7 Sep 97

To the B^d of Rev (L.R.)
dat. 22-9-97
3/12

Government {1897} of Madras.
REVENUE.

Recd.

Regd.

} 1897.

Enclosures

Spare copies

G.O., No. 774, 9th September 1897.

SEPTEMBER.

Sales by auction of river accretions in South Canara and Malabar.

According sanction for the sale to one Bayachi Keyi of Malabar of certain accretions at Rs. 10 per acre, and directing, in modification of G.O., No. 933, Revenue, dated 24th October 1893, that not only should —, conducted by Divisional officers, be subject to confirmation by the District Collector but also that he be authorised to dispose of the accretions otherwise than by auction at discretion.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 2895, dated 3rd August 1897 :—

Read—the following letter from W. H. WELSH, Esq., Collector of South Canara, to the Secretary to the Commissioners of Land Revenue, dated 28th June 1897, Dis. No. 859-Ver. :—

I have the honour to seek the Board's instructions whether the amendment ordered in Board's Proceedings, No. 232-L.R., dated 26th June 1896, to paragraph 13 of Board's Standing Order, No. 30 (New Edition) may be held to modify paragraph 12 of the special durkhast rules sanctioned for this district in Board's Proceedings, No. 48-L.R., dated 12th February 1895. The amendment declares that the sale of land ordered under the durkhast rules will be subject to confirmation by the Collector.

2. I take this opportunity to request instructions if sale of river accretions may be put under similar restrictions. At present the sale of accretions, subject to assessment, is governed by G.O., No. 933-R.D., dated 24th October 1893, embodied in Board's Proceedings, No. 668-L.R., dated 20th November 1893. The Government Order does not require special sanction either of a Divisional officer or of the Collector either for their sale or for their confirmation.

Read—also the following letter from the Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated 21st June 1897, Ref. on C. No. 1520-R. :—

I have the honour to request that the provisions of Board's Proceedings, No. 668-L.R., dated 20th November 1893, may be so far modified as to allow the Collector of this district to use his discretion in putting up river accretions to auction. As the order now stands, the sale of such lands by auction is obligatory.

2. River accretions in Malabar are generally reclamations. The occupier will usually attorn to Government if he is only asked to pay the jenmabhogam or buy the land. But when he finds that he has to bid for the land at auction and thereby run the risk of losing the fruits of his labour, he will, in most cases, try his luck in a Civil Court. In this district, where all land is presumed to be private jenmam until the contrary is proved, it will often be difficult for Government to defend such suits successfully. The occupier will say that if he has more land in his holding than is shown in the accounts, it must be due to the incorrectness of the original measurements, and the Government will find it hard to prove the contrary.

3. A case recently occurred. One Bavachi Keyi was found to be in possession of 3 or 4 acres more than he should have had according to the accounts. As his lands adjoined a river, the excess was believed to be an accretion and was ordered to be sold by auction under the orders above quoted. Bavachi Keyi immediately sent me notice of a civil suit. Wishing to compromise the matter, if possible, I asked the Tahsildar to ascertain if Bavachi Keyi would take the land on quit-rent if the auction was stopped. I intended applying to the Board for orders if the answer was favourable. But the answer came during my absence on leave and the land was ordered to be sold to Bavachi Keyi at Rs. 10 per acre. The Board's orders were not obtained through an oversight.

4. Similar cases will be of frequent occurrence, and, apart from the expense and trouble to which we shall be put in defending civil suits, I submit that it is inequitable to disturb the man in possession especially when, as is often the case, he has effected the reclamation at a great expense.

Resolution—Mis. No. 2895, dated 3rd August 1897.

The Collector's query in paragraph 1 of the letter first read above, as to whether Divisional officers may be authorized to order the sale of lands under paragraph 12 of the special durkhast rules of South Canara, the sale being subject to confirmation by the Collector, will be answered in the affirmative.

2. The suggestion that Divisional officers may be authorized to order the sale by auction of river accretions, the sale being subject to confirmation by the Collector, is also approved. This procedure will be followed in all districts.

3. In his letter dated 21st June 1897, No. 1520-R., the Collector of Malabar points out that river accretions in his district are generally reclamations effected at great expense by the adjacent land-holders and that, it will be hard to compel them in all cases to buy such accretions at auction. Mr. Dance suggests that he may be permitted at discretion to dispose of the accretions otherwise than by auction. Government having decided that river accretions are absolutely at the disposal of the State, and that they should, as a rule, be sold by auction, the Collector will be informed that the rule must be maintained; but that, in exceptional cases where he considers sale by auction to be inadvisable, the orders of the Board and Government should be sought.

4. The Board requests the sanction of Government as a special case for the sale at Rs. 10 per acre of the accretions referred to in paragraph 3 of the Malabar Collector's letter.

(True Copies and Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Collector of South Canara.
" Secretary to Government, Revenue Department.
" Collector of Malabar.

ORDER—No. 774, Revenue, dated 9th September 1897.

Miscellaneous.

The sanction asked for in paragraph 4 of the Proceedings read above is accorded.

2. With reference to paragraph 3 of the Proceedings, the Government considers that in South Canara and Malabar the sale by auction of river accretions, which are almost invariably reclamations, is of very doubtful expediency and may in cases be productive of considerable hardship. It accordingly directs, in modification of G.O., No. 933, Revenue, dated 24th October 1893, that in both the districts not only should such sales be, as in other districts, made subject to confirmation by the District Collector as ordered by the Board in paragraph 2 of its Proceedings but also that the Collector be given power to freely suspend the rule of sale whenever he thinks it likely that its enforcement would work hardship.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

Exd. Shaik Karim.

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