0/9. 8,000—5-2-98.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 1926

DATED 3rd May

[Despatch Abstract.]

Informing Paul Iyathurai Pillai, private medical practitioner, Thathaneri village, Madura Tk, that Government cannot interfere in his behalf on the subject of the assignment of fresh land in exchange for a piece of land taken from him

BACK PAPERS.

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

FURTHER PAPERS.

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

0/15 4,000-7-97.

Revenue (189) Department.

CURRENT No. 1888

From Paul Iyathurai Pillai
Private Medical practioner
Thattaneri village
Madura Taluk &Dt

No.

Order Petn No. 1926 d/ 3.5.98.
The Govt cannot interfere.

Dated 4 March

Received 7 "

Registered 8 "

Enclosures :

Spare copies.

Lost
Letter petr with Encl to Dy Dir 6.5.98

G Av 2/5/98.

SUBJECT.

Praying for issue of orders for the assignment of fresh land in exchange for a piece of land taken from the petitioner.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PETITION

0169

REVENUE DEPT

CHIEF SECRETARY'S
5 MAR 1899
GOVERNMENT OF MADRAS

To

His Excellency the Right Honorable
the Governor in Council,
Fort Saint George,
MADRAS.

The humble petition of Pattu Nathurai Pillai, private Medical practitioner residing in Thathaneri Village Madura Taluq.

Most Respectfully Showeth:—

The Government is aware that it has assigned to him a piece of land measuring four cents in Thathaneri village for a dispensary after a very keen contest vide G. O. No. 2255 Revenue dated 6th June 1895.

2. That the Municipal Council, having decided to acquire the site and the building for a public purpose in spite of protest the petitioner applied to Government for compensation in exchange by way of land instead of money and the Government referred the petitioner to the Collector vide G. O. No. 2360 M. Mis. dated 28th October 1897 herein enclosed in original.

3. That the petitioner accordingly applied to the Collector who declined to grant his prayer. Vide endorsement given to the petitioner No. R O C, 70 Collector of 1898, dated 17th February 1898 of the Deputy Collector, Madura Division herein enclosed also in original.

4. The substance of the Collector's order is that when Government land is not available for assignment in exchange other land cannot be acquired for the purpose. And the Collector also quotes B. P. No. 2834, Mis. L. R. dated 28th July 1897 as his authority for his order of refusal.

5. The petitioner is surprised to learn for the first time since the introduction of the Land Acquisition Act the existence of any prohibition to acquire any private land for Government, when it wants the same for the purpose of compensation. In fact the petitioner is aware of numerous instances of acquisition of private land by officers of Government in connection with the Periyar Project for the purpose of compensation whenever they had to acquire Inam lands.

6. The petitioner submits that the same principle must hold good in his case also as the private land if acquired in this case would be for the purpose of compensation for public purpose and not for any private purpose. It is the public purpose of acquiring the petitioner's land and the Government's wish to give land compensation in exchange that renders the acquisition of private land for compensation and not this petitioner's interest that renders such acquisition necessary. Of course in this particular case the petitioner himself desires for land compensation but that does not in any way detract the value involved in the principle. Supposing for argument's sake the petitioner does not want land compensation and the Government nevertheless wishes to give only land compensation and not money and the Government has no land of its own for the purpose and it has to acquire private land. Is it to be presumed then under the circumstances that the Government has no power to do it? Clause 3 of Section 31 of the Land Acquisition Act I of 1894 is, the petitioner submits, clear on the point. For it says that "notwithstanding anything in the section the Collector may with the sanction of Local Government instead of awarding a money compensation * * * * * make any arrangement with a person * * * * either by the grant of other land in exchange * * * * * or in such other way as may be equitable having regard to the interest of the parties concerned;" so that it is the Collector's decision that compensation should be by way of land that would render the acquisition necessary and anything else, and the purpose of acquisition must clearly therefore be public and not private.

7. The petitioner believes that it is only in accordance with this interpretation that the previous acquisitions of the kind have been made by Government and the petitioner therefore cannot bring himself to believe that the Board of Revenue would have intended in their B. P. No. 2834 Mis. L. R. dated 28th July 1897 any such prohibition as was construed by the Collector. As the same would be opposed to the provisions and meaning of the Land Acquisition Act and also to the construction hitherto adopted by Government.

8. That as the petitioner is not in possession of a copy of B. P. he is unable to say anything as to how far it can affect the petitioner's case.

9. That the petitioner submits that if the Collector had refused to grant the petitioner's prayer on the ground that he was *not willing* to acquire private land for land compensation he would have nothing to say; but as he has refused it on the ground that he could not *acquire private land* for the purpose under the authority of the said B. P. the petitioner humbly submits that he was

not correct in saying so. In this connection the petitioner respectfully begs leave to submit to Government that the Deputy Collector, Madura Division who is the Collector under the Act recommended after a full consideration of the circumstances of the case the grant of the petitioner's prayer to the Collector who has vetoed the recommendation in the manner aforesaid.

10. The petitioner therefore humbly prays that the Government will be pleased to call for the papers and to order the assignment of fresh land in exchange in view to the charitable nature of the work for which the petitioner has all along been trying his best to get a suitable site.

For which act of justice and charity and benevolence the petitioner shall, as in duty bound ever pray.

Paul Gnanamuthu Pillai

4.3.98

Thathaiyar

Read petition from Paul Sgathurai Pillai of Madura dt 4-3-98
(C. No. 1888 of 98)

Secretary

Some 4 cents of waste poramboke in Thathaneri village within the Madura municipality were assigned in 1892 by the Deputy Collector to the petitioner, Paul Sgathurai Pillai, a private medical practitioner of the village for opening a dispensary. Some residents of the village appealed against the order of assignment to the Collector; but the Collector rejected the appeal. They then appealed to Board of Revenue: and that authority cancelled the assignment on the ground that the land was required for communal purposes: On the petitioner's appeal thereon, the Government thought that the Board's order was not justified but as the land in question was within municipal limits, it directed that the municipal Council should be consulted

C 2945/98

consulted before final orders were passed. The municipality objected to the grant on the ground that the land might be required for municipal purposes. The Government, however, overruled the objection and confirmed the assignment (vide note under G.O. 2205 dd 6. 6. 96).

2. It appears that the petitioner has erected a building on the land and was about to use it when the site being required in connection with the scheme for protecting the water supply of the town of madura a draft notification for the acquisition, among other lands, of the site and the building in question, was ordered to be published in the Fort St George Gazette (vide G.O. 2360. M. dd 28. 10. 97) The petitioner protested against the proposed acquisition of his land and prayed that if it was absolutely required for a public purpose he might be granted another suitable site in the

Enclosure 2 to the current.

Para 10 of the petition

money compensation. In reply he was informed in the 1st and 2nd Opts "The Government regrets that it should be necessary to acquire the "land under the act. As to "awarding him compensation by "way of exchange of land, he should "address the Collector". Ayyathurai Pillai accordingly applied to the Collector, but was given the following endorsement: "Where "Government lands are not "available for being granted in "exchange, other lands cannot "be acquired under the act. "for the purpose". In the present appeal he prays that the Government may be pleased to order the assignment of waste land in exchange in view of the Charitable nature of the work for which the petitioner has all along been doing his best to get a suitable site

3. The petitioner's case is a somewhat unfortunate one and seems to be of such a nature that if Government land is not available for exchange, it is

it ought certainly to be granted to him in lieu of the land from which he is to be ousted. But it appears that no such land is available, and his case is not so exceptional as to justify the acquisition of private land for his benefit, even though it could be held that the provisions of the Act may be put in force in cases of this nature. Further the Land Acquisition Act does not provide for any appeal to Govt and it is submitted that the petitioner may be informed that the award made by the Collector under Act I of 1894 is not open to revision by Govt

Certainly not
8/8

G.O. 2947, dt 24-7-96.

Please see draft C.P. on the docket of the current.

CAU
2/5/98.

When given for copying
When copied
When examined
When signed
} 189

READ AGAIN G.O., No. DATED
189 ,

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.

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