

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2124

DATED 17th May

[Despatch Abstract.]

Recording B.P. passing orders on letter from the Collr of Madras re: the cancellation of certain sales of assessed waste land affected by the Periyar channel.

BACK PAPERS.

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

FURTHER PAPERS.

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CAO	6532 102						

Revenue (189⁸) Department.

CURRENT No. 2149

memo to P.D.
11/4/98

Recd 13/4/98

Order Misc No. 2124 d/17th May 98.

Recorded with an
expression of concurrence
in the Board's views.

From

The Board of Revenue,
Land Revenue,
Madras

No. 741 Misc.

Dated 12th March 1898.

Received 16-2

Registered 17-2

Enclosures 2

Spare copies

SUBJECT.

Passing orders on letter from
the Collector of Madura regarding
the cancellation of certain sales
of assessed waste land affected by
the Periyar channel, Madura taluk,
Madura District.

To the Board (L.R.)
with Encls. 2
20.5.98

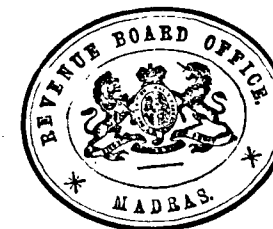
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27/4/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue (Land Revenue).

No. 741 Misc., dated 12th March 1898.

Read letter from J.G.D. Partridge, Esquire, Ag.
Collector of Madura, to the Secretary to the Commissioners of
Land Revenue, Madras, R. on C. No. 575/Genl. of 1898, dated 26th
February 1898.

-----:O:-----

Resolution

The Collector's action in cancelling the sales
and refunding the purchase money is approved on the understand-
ing that he has acted with the consent of the Vendees in those
cases where the ground of cancellation is that the land is
unirrigable. Under the conditions of sale, it is at the option
of the vendees to retain the land subject to the condition
that, until water is supplied, remission will be granted if the
lands are left waste and that dry assessment will be levied
if dry crops are raised.

2. At the same time, the Board must point out that can-
cellation of the sale in such cases cannot be demanded as a
matter of right. The conditions of sale give no guarantee that
water can be supplied. It is to the direct interest of Govern-
ment to supply water when, and as soon as, possible; and the
Collector will of course sell no land which he knows to be
unirrigable. But beyond this it is a case of caveat emptor.

3. The Board concurs with the Collector that the sale
referred to in para 2 must stand.

(True Extract)

Reelan

Secretary.

To

The Collector of Madura.

The Secretary to Government, Revenue Department, with letter and statement to be returned.

Md. R. H.

Read C No. 2149 of 1891
B. P. (L. R.) No 741 dated 12.3

For orders.

The Collector of Madura has cancelled the sale of 32.89 acres of land Commanded by the Periyar Project and refunded the proportionate amount of the purchase money Rs 3226.14. under the following circumstances:-

- (1) 30.65 acres which were sold for Rs 3033. 6-11 were first certified by the officers of the Public Works Department as irrigable but were subsequently reported by them, on reinspection, as unirrigable,
- (2) 1.84 acres which had been previously assigned to a certain individual on darkhast was wrongly included in a sale,
- (3) 0.40 acre first included in a sale had to be subsequently reserved for the water way of a channel.

The

C7/5728

is no question about items (2) & (3). As regards item (1) is the sales cancelled on the ground that the lands were subsequently found to be unirrigable, the Board of Revenue has approved of the Collector's action on the understanding that the consent of the vendees has been obtained to such cancellation. Apparently the Board of Revenue thinks that some of the vendees may choose to keep the lands, inasmuch as under the conditions of the sale, remission will be granted if the lands be left waste and only dry assessment charged if dry crops be raised. It may however, be noted that the vendees have paid more than Rs 100 per acre and if the lands are not irrigable it is highly improbable that they would care to retain lands purchased for dry cultivation, rather than

Yes: this of course must be obtained. There are two exceptions in some cases to a vendee may choose to retain the land.
A. S.H.

than invest the amount in the purchase of other irrigable lands under the project. As regards the legal aspect of the question, the Board of Revenue points out that the cancellation of the sale in such cases cannot be demanded as a matter of right, that the conditions of sale give no guarantee that water can be supplied, that the Collector will of course sell no land which is known to be unirrigable and that beyond this, it is a case of caveat emptor.
Para 1 of the sale notice A which has been obtained from the Board of Revenue speaks of the lands sold as irrigable with 3 feet of water, but in order that the sale may be voidable at the option of the vendee under see the contract. There shown in the

flag A.

C

misrepresentation' as defined
in sec 18(1).

The Public Works Deptt
having first certified that
the ~~lands~~ lands were irrigable,
the Collector, had it is sub-
mitted information which
warranted the assertion made
in the ~~Contract~~ sale notice.

There ^{seems to be} therefore no 'misrepre-
sentation' as defined in sec
18(1) and the Board's
view that the party has
no right to demand the
Cancellation of the sale
seems correct.

The Collector has also
brought to notice a case
in which ^{certain} lands were sold
under a mistake of fact at
the time. The P. W. Deptt
first certified that ^{62 1/2} ^{acres} ⁱⁿ
a certain Survey No could be
made irrigable at a Consi-
derable Cost. The effect
of this was that the land
fetched at the auction a
comparatively very low
price. The P. W. Deptt

There is no need to
discuss here a difficult
legal point, upon wh.
as a dept. we can give
no ~~precise~~ definitive
opinion; and which in the
view of the is immaterial
to the disposal of the case.

SB

Subsequently reported that
the lands ~~was~~ ^{was} easily irrigable
as it was, and that a mis-
take had been made on account
of the Kurnam who did not
show the right Survey number
before. The Collector thinks
that the sale ^{however} cannot now
be set aside and that the
purchaser must get the benefit
of the mistake. The Board
Concurs with the Collector who
views it is submitted, correct.
(vide ~~see~~ see 22 of the Contract Act)

A draft order recording
the B.P. with an expression
of Concurrence ^{in the Bd's view} to put up
on the docket of the Current
for approval.

Mk
29/4/98.

Levy

The B.P. may be
briefly recorded. It is found
not to discourage bidding
for the lands by taking
advantage of the
of 'great surplus'

Yes
29
14/5/98

second case it was
 the fault of the
 Govt. own officers. Here
 again it would be
 had policy to cancel
 the sale even if this
 could be legally done

Ull
 6.5.78

It will be enough to
 "record" the B.P. This will
 not state it commit us
 to the approval of para. 2
 the soundness of which I
 very much doubt.

8/7/78

The order on the
 rocket may issue?

Ull
 17. v. 58
 8/7/78

Comp
 price.

then given for copying _____
 then copied _____
 then examined _____
 then signed _____

189

READ AGAIN G.O. No.
 189

DATED

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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.
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