

Draft Notification

REVENUE 1898 DEPARTMENT

Press Series

Go. NO:- 222

Dated :- 23 April 1898

Draft Notification

The following erratum to notification
no 457 published at pages 1196 to 1204 of
Part I of the Port St. George Gazette dated
28th September 1897 will now be issued: —

(1) For 'Vizianagaram, ancient Ummidai'
appearing under 'Vizagapatam District'
at page 1204,

Substitute

'Vizianagaram, ancient Ummidai,
excluding Pukuram and Kotipalli
which are portions of the Ummidai —
situated in the Ganjam and Godavari
districts respectively'.

(2) Under 'Ganjam District' at page 1199,
insert 'Pukuram, a portion of the
Vizianagaram Ummidai'.

no/4

Ree
Secretary.

Revenue (1898.) Department.

CURRENT No. 2645.

From The Board of Revenue,
Madras.

Ref No. 379

Dated 31. 3. 1898

Received 2/4

Registered 4/4

Enclosures 2

Spare copies —

SUBJECT.

Submitting to Govt. draft
notification re extension of
the Proprietary Estates Village
Service Act II of 1894 to
Srikumaram in the Ganjam
Dt. forming a portion of the
Village of Srikumaram &c.

*Printed & signed
23/4/98*

JP

Order No. 2227/23rd April 1898.

The draft notification
is approved and will be
published in the Fort Saint
George Gazette

*KD
16/4/98*

25/4/98

*B. P. of Revenue (L. 12)
to Govt. for approval*

*JP 222
23-4-98 Rev*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Reference on No. of 1898.

In replying the above should be quoted.

(LAND REVENUE.)



Read again B.P. by Mee, dated 2.3.98, informing the Collector of Ganjam that Act II of 1894 is already in force in Sri Kurnam, which forms part of the Vizianagaram Estate and that further notification extending the Act is not necessary.

Read also letter from the Collector of Ganjam dated 10th March 1898. R. B. No. 87 Per.

Reference No. 379, dated 31.3.1898.

In his letter disposed of in the first of the papers read above, the Collector of Ganjam requested that Chapter I, II & F of Act II of 1894 might be extended to Sri Kurnam, a portion of the Vizianagaram Zemindari situated in his district. He was informed in reply that

provisions of the Act had already been
sent to the Vizianagaram Zemindari,
which Srikurmam forms a part. It was
pointed out that the extension of the
Act can be restricted to portions of Estates
only in case they are held on a permanent
leasehold tenure and come within Section
Clause (c) of the Act.

In the opinion of the Board the mention
of the district was inserted to facilitate
the identification of the Estates mentioned
in the notification published at page
104 of Part I of the Fort St George Gazette
dated 28th Sept^r 1897 and cannot there-
fore be construed as restricting the
extension of the Act to a portion of an
estate; but the Collector again urges that
the notification as it stands excludes
such portions of the Vizianagaram Zeminda-
ri as lie outside the district of Vizian-
agapatam. In favour of this view is the
fact that a portion of the Zemindari
(Kotipalli) in the Godavari district is
separately notified.

3. To set doubts at rest the Board would
recommend the issue of the Supplemental
notification herewith submitted for
approval.

Reel
Secretary.

To
The Secretary to Govt. P.D.
with the Collector's letter in original
to be returned & draft nota-
fication.

Government {1898} of Madras.
REVENUE.

Recd.

Regd.

} 1898.

Enclosures

Spare copies

G.O., No. 222, 23rd April 1898.

APRIL.

Proprietary Estates Village Service Act II of 1894.

Approving a draft notification extending the provisions of the ~~to~~ Srikurmam, forming a portion of the Vizianagram zamindari in the Ganjam district, and ordering its publication in the Fort St. George Gazette.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Reference from the Board of Revenue (Land Revenue), No. 379, dated 31st March 1898.

Read—again Proceedings of the Board of Revenue (Land Revenue), Mis. No. 617, dated 2nd March 1898.

ABSTRACT.—Informing the Collector of Ganjām that Act II of 1894 is already in force in Srikurmam, which forms part of the Vizianagram estate, and that further notification extending the Act is not necessary.

Read—also the following letter from H. D. TAYLOR, Esq., I.C.S., Acting Collector of Ganjām, to the Secretary to the Commissioners of Land Revenue, dated Chatrapur, 10th March 1898, R. G. B. No. 89-Ver. :—

With reference to Board's Proceedings, Mis. No. 617, dated 2nd March 1898, stating that no further notification is required for the extension of Act II of 1894 to the Srikurmam portion of the Vizianagram estate in this district, on the ground that the Vizianagram estate has been already notified under the Act, and that the whole includes the part, I have the honour to draw the Board's attention to the original notification on page 1204, part I of *Fort St. George Gazette*, dated 28th September 1897, in which the notification appeared.

2. It will be seen that the notification merely applied to the Vizianagram estate, so far as it falls under the Vizagapatam district, and hence I would respectfully submit that, from a strictly legal point of view, the notification cannot be held to apply to any portion of the estate which lies outside the Vizagapatam district, of which it is specifically notified as forming a part.

The error appears to me to lie in the original notification in which the Vizianagram estate should have appeared under the joint heading of "Vizagapatam and Ganjām districts" instead of Vizagapatam only.

3. The question is to my mind one of some importance from a legal point of view.

According to section 5 of the Act it is the District Collector who is authorised to call for the list of village officers, and I presume that by District Collector is meant the Collector of the district in which the villages forming the estate are situated. This being so, the Collector of Vizagapatam has no power to call for the lists so far as villages situated in this district are concerned, and if my view be correct, looked at in a strictly legal spirit, I am not empowered to call for such lists myself.

4. I assume that, so far as the Srikurmam portion of the Vizianagram estate is concerned, it is intended under the spirit of the Act that the cess should be levied at the Ganjām and not the Vizagapatam district rates; that the collection so made should be expended within this district; and that the village officers should be under the general control of the Revenue Divisional officer, i.e., the Principal Assistant Collector, Ganjām, to whom appointments under section 9 should be reported.

The Collector of Vizagapatam has no authority in so far as this district is concerned for the purpose of the Act.

As the notification refers only to the Vizagapatam district and as it is possible that different rates of cesses may be charged in the two districts, I would ask for a reconsideration of the question as to whether a fresh notification of the "Vizianagram zamindari, Ganjām district," is not desirable, or that the former notification be amended.

5. There is another point of difficulty. The peishcush of the Vizianagram zamindari, including the Srikurmam portion, is paid in the Vizagapatam district. There will in consequence be some difficulty in calculating and adjusting the remission due under section 16 of the Act. This will have to be calculated with reference to the proportion which the revenue of Srikurmam bears to the revenue of the entire estate. These figures being ascertained, the refunds can be separately made for each district.

6. I regret to have to trouble the Board further in the matter, and though the levy of the cess would not probably be disputed by the Vizianagram estate, yet I have doubts of the strict legality of imposing the same under the terms of the existing notification, and consider it undesirable that there should be any possibility of action taken under the colour of the Act being subsequently called into question in a court of law.

Reference—No. 379, dated 31st March 1898.

In his letter disposed of in the first of the papers read above, the Collector of Ganjām requested that chapters I, II and V of Act II of 1894 might be extended to Srikurmam, a portion of the Vizianagram zamindari situated in his district. He was informed in reply that no fresh notification was required as the said chapters of the Act had already been extended to the Vizianagram zamindari, of which Srikurmam forms a part. It was also pointed out that the extension of the Act can be restricted to portions of estates only in case they are held on a permanent under-tenure and come within section 4, clause (e) of the Act.

2. In the opinion of the Board the mention of the district was inserted to facilitate the identification of the estates mentioned in the notification published at page 1204 of part I of the *Fort St. George Gazette*, dated 28th September 1897, and cannot, therefore, be construed as restricting the extension of the Act to a portion of an estate; but the Collector again urges that the notification as it stands excludes such portions of the Vizianagram zamindari as lie outside the district of Vizagapatam. In favour of this view is the fact that a portion of the zamindari (Kotipalli) in the Gódvári district is separately notified.

3. To set doubts at rest the Board would recommend the issue of the supplemental notification herewith submitted for approval.

(True Copies and Extract.)

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

To the Secretary to Government, Revenue Department,
with the Collector's letter in original to be
returned and draft notification.

ORDER—No. 222, Revenue, dated 23rd April 1898.

Miscellaneous.

The draft notification is approved and
will be published in the *Fort St. George
Gazette*.

(True Extract.)

(Signed) G. S. FORBES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue), with letter.
the Superintendent, Government Press, with notification.

DRAFT NOTIFICATION.

The following *erratum* to notification No. 457 published at pages 1196 to 1204 of part I of the *Fort St. George Gazette*, dated 28th September 1897, will now be issued:—

(1) For "Vizianagram, ancient zamindari" appearing under "Vizagapatam district" at page 1204, *substitute* "Vizianagram, ancient zamindari, excluding Srikurmam and Kotipalli which are portions of the zamindari situated in the Ganjam and Godavari districts, respectively."

(2) Under "Ganjam district" at page 1199, insert "Srikurmam, a portion of the Vizianagram zamindari."

Returned for signature.

Despatched in print.

PAID AGAIN G.O. No.
189.

PRESENT NO.

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

ORDER OF GOVERNMENT

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