

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4228

DATED 31st October 98

[Despatch Abstract.]

~~At~~ Accepting the ~~Vengal~~
Shrotriendar's withdrawal of his application
for the survey of his estate and stating that
the survey of the Shrotriendar will accordingly be
stopped.

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

Financial (1898) Department.

CURRENT No. 6570.

From

The Board of Revenue,
Land Revenue,
Madras.

No. 148 (Pet) Ref:

Order

Dated 19th September 1898

Received 2/

Registered 2/

Enclosures 2.

Spare copies

SUBJECT.

Submitting to Govt. with remarks
Endorsement of the Collector of
Chingleput on petition from the shro-
triendrar of Vengudi requesting that
the survey of his village may be
stopped.

BACK PAPERS. 0

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

OFFICE OF THE BOARD OF REVENUE
(LAND REVENUE),
Madras, 19th September 1898.

READ—Endorsement of D.W.G.Cowie, Esquire, Acting Collector of Chingleput, Dis.No.1725 of 1898, dated 1st September 1898.

Reference No. 148 (Pet.) dated 19th September 1898.

In its order Mis.No.3550 Rev., dated 12th August 1898, Government approved and sanctioned the recommendation of the Board of Revenue that the Survey of Vengudi Shrotriem in the Chingleput District might be undertaken during the year 1898-99 as desired by the proprietor. The draft Notification submitted by the Board was published at page 769, Part I, of the Port Saint George Gazette dated 16th August 1898.

In the petition forwarded with the Collector's Endorsement read above, the Shrotriendar states that he applied for the survey with the object of selling the kudivaram right in the land, and as he does not expect to find purchasers now, he requests that the survey may be stopped. The Collector observes that it is undesirable to accept such retractions and recommends that the survey may be completed at the cost of Government under Section 17 (b) of the Madras Survey Act (IV of 1897). The Board is unable to support the Collector's recommendation, as, if the proprietor declines to pay, there will apparently be no means of recovering the amount from him and Government will have to bear the entire cost under the proviso to section 19 of the Act. The Board therefore submits that the shrotriendar's withdrawal may be accepted and

The cost of the survey
should be borne by the
proprietor. If he declines
to pay, the Government
will have to bear the cost.
Is this correct?

the Gazette notification cancelled.

Wm. C. Davidson

Ag. Secretary.

To

Revenue Department.
The Secretary to Government, with 2 enclosures in original
(to be returned)

Md. R. H.

La

$\frac{D}{1}$ 1,000-8-4-97.

REVENUE DEPARTMENT.

C. No. 6510.

From the Board of Revenue, Land Revenue,

No. 148 Dated 19th Sept. 1898.

FOR ORDERS.

The survey of Vengudi in the Chingleput district was, at the request of the Shrotriandar, sanctioned in G.O. 3350 of 12th Aug. 1898 and the necessary notification published in the Gazette. The Shrotriandar now states that he applied for the survey with the object of selling the kudivarani right, that there is no prospect of ^{the being sold} ~~it~~ so now, and that the survey may therefore be stopped. Under the proviso to Sec. 17 of Act IV of 1897, the survey of any estate commenced under Sec. 17(a) should be stopped on the withdrawal by the Proprietor of his application, unless the Local Govt. sees reason to continue it.

it under Sec: 17(b).

2. The Collector considers that the Survey should not be stopped, and that if it be completed at the cost of Govt: under Sec: 17(b) the Shrotriamdan will eventually consent to defray the cost himself. The Board, however, ^{does not} support the Collector's proposal, as it thinks that the entire cost will have to be borne by Government under the proviso to Sec: 19, if the proprietor should decline to pay it. It therefore recommends that the Shrotriamdan's withdrawal may be accepted and the Gazette Notification cancelled.

3. It is nowhere stated whether the Survey has begun and how far it has gone. The use by the Collector of the word "Completed" would seem to show that it has begun; if so, supposing that the Govt: stopped the Survey, could it not recover from the proprietor the

FOR ORDERS.

the costs already incurred? And is the Board correct in saying that if the Survey be completed under Sec: 17(b), the entire cost should be borne by the Local Govt.?

4. Orders are requested.

RS
7-10-98

Please put up a copy of the

Act

MS
8x-98

Submitted

aa
10/10/98

Secy

From the wording of

Sec 19 of the Act it seems clear that all work done up to date of the receipt of the proprietor's withdrawal may be recovered from him for such work will not be "survey directed" under clause (b) of Section 17" but under clause (a). Nor would the direction by the Local Govt of the continuance of the Survey for special reasons, submit, alter the character of the work already

done and the proprietor
liability to pay for
that work.

In the present case
it is submitted that the
Bds' recommendation
may be accepted & the
work stopped. The Act
does not say to whom
the proprietor must
give notice of withdrawal
~~if the notice is given~~
presumably to the Govt.
itself since the Govt alone
entertain the application in this instance
can order the survey.

Me
11-x-98

H. H.

Yes: in the case of a
small Shrotrian estate
such as this, situated in
a Southern district, there
seems no reason why
the survey should be prevented
after the proprietor wishes
to withdraw from it.
The Bd's recommendation may
be accepted

/MAY 3. 10. 98

W. 4/10/98

12/10/98
14/10/98

To U.S.

The Board recommends
that ^{the} original notification should
be cancelled. This is not safe
as the Govt may not then
be able to recover ^{any expenditure}
already incurred. It is sub-
mitted that the survey should
be stopped in the terms of
the proviso to section 17. A
notification does not seem
to be necessary

2. Please see draft below

as
26-10-98

Ley
28.10.98

one
30/10/98

Revenue Department

Read B.P. Ry. No. 148 (Petition) of 19th 98.
(Enc 6510).

31/10/98

Order No. 4228 of 31st Oct. 1898

The Shrotrindar's withdrawal of his application for the survey of the Vengudi Shrotri in the Chingleput district will, as recommended by the Board of Rv., be accepted, and the notification already issued for the survey of the Shrotri cancelled. The survey of the Shrotri will accordingly be stopped.

2. The cost of the work already done will be recovered from the Shrotrindar.

The Board of Rv. L.R. with 2 cases
- Infants' Madras Survey
- ~~Copy of the same~~

2-11-98

Notification

The Shrotrindar of Vengudi in the Chingleput District having applied for the withdrawal of his application for the survey of his Shrotri,

Governor in Council
No. 2. the ~~Commissioner~~ is pleased
to Cancel Notification No 374
of 12. 8. 98, published at page 769,
Part I of the Fort Saint George
Gazette of 16. 8. 98, directing
the survey of the said estate.

~~and~~
~~to~~
~~the~~
~~Commissioner~~
~~is~~
~~pleased~~
~~to~~
~~cancel~~
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~~estate~~

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

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

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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A = Copy in full.
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