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Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 3442

DATED 23rd Aug. 98

[Despatch Abstract.]

Sanctioning the assignment to
the proprietors of Rathorne estate the ~~re-survey~~
of certain extent encroached upon by others and
requesting the Supdt. of the Survey, to investigate
the circumstances under which certain correction
came to be made in the Zimkoppe map of
Col. A. Cunningham.

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 (1898) Department.

CURRENT No. 5082

From The Board of Revenue
Land Revenue,
Madras.

Order G.M

The Board is requested to forward the Collector's letter of the 5th July 1898

RS
3-8-98

Not necessary for the H.P. as the Board will be the first to know of the same.

Ref No. 789

18th July 1898

Dated

Received 20th

Registered 20th

Enclosures 2

Spare copies

SUBJECT.

Submitting for the orders of Government letter from the Collector of the Kiffiris recommending the assignment on Patta of Govt. waste land in the Ootacamund village, which was encroached on by the proprietor of "Rattotting".

24/7/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

OFFICE OF THE BOARD OF REVENUE
(LAND REVENUE),

Madras, 18th July 1898.

READ— Letter from D. W. G. Cowie Esq, Ag. Collector
of the Nilgiris, Ref. on Gm No. 242, dated
5th July 1898.

Reference No. 789 dated 18th July 1898.

Submitted for the orders of Govern-
ment.
2. The collector reports that a piece of land
measuring 11 cents and classed as Govern-
ment waste adjacent to Sett. No. B 566 of
ootacamund village has been encroached
upon by the holder of the property known
as "Eathorne". The encroachment which
appears to be of long standing was reported
by the Deputy Superintendent of Survey
Mr. Greene, but when the present holders
of "Eathorne" were requested to vacate it,
they ^{pointed} ~~pointed~~ out that they had only recently
purchased

1
purchased the property and contended that the alleged encroachment was shown as forming part of it in the plans attached to the Permanent Patta issued in 1896 in the name of the former holder. The collector reports that the plan was prepared in 1895 from the Zineograph of the Ootacamund map in the Central Survey office which had been corrected, so as to include the encroachment within the limits of Eathorne. The correction appears to have been initialled by the officer in charge of the Central Survey office, but the authority under which it was made cannot be ascertained.

3. In view of the long enjoyment of the land in question by the proprietor of Eathorne and the fact that the plan as corrected supports the contention of his successor in interest, the Board agrees with the collector in considering it advisable to alienate the land on payment of an assessment at the rates prevailing in the adjacent lands.

Wm. J. Davidson
Ag. Secretary

Secretary to Government, R.D.
documents to be returned.

B.P. Ref. No. 789 (Civ 5082)
18-7-98

Note

DEPARTM
The Collector of the Nilgiris brings to the notice of Govt. that a piece of land measuring 11 cents and classed as Govt. waste in the Ootacamund village has been encroached upon by the holders of the adjacent settlement no. 10/566 (known as Eathorne), and that it has been in the enjoyment of the present holders and of their predecessors in interest for a long time. He adds that by ~~some~~ a correction made by the Survey Dept in the Zineograph of Ootacamund map, the encroached portion came to be shown as forming part of the settlement no. 10/566 in the plan attached to the permanent patta issued in 1896 in respect of that number. The correction in the Zineo-

graph

C 17/8/98
21/9/98

Wm. J. Davidson
P.T.O.

graph is said to have been
initialed by the Officer in
charge of the Central Survey
Office, but the authority
under which it was made is
not to be ascertained.

The present owners of the property
~~known as different from those~~
~~to whom the permanent patta~~
~~in this office were issued to~~
~~was granted under~~
~~the portion (whose~~
names are not ascertainable
in this office) were asked to
vacate the portion encroached
upon, but they contended
that according to the plan
attached to the permanent
patta there was no en-
croachment. The former
owners of the property were

Percy William Miteason
who sold it to
Mrs Mary Schmid
who left it to her will to
Lucy Sherwood Schmid
who subsequently became
the Lucy Sherwood Ehrhard
and the person in whose name
the permanent patta was
issued in 1896.

In view of the long
enjoyment of the land by
the

in the appendix
supplemental rules to para 6
of B.S. 16 No 33.

The area is
trifling 87

the owners of - Cathome, and
of the fact that the plan as
corrected supports the contention
of the present holders, the Officer
and the Board consider that the
excess now found viz 11 cents
may be assigned to the present
holders on payment of assessment
at the rates prevailing in the
adjacent lands.

2. Waste lands on the Nilgiris are generally
sold by auction subject to the payment
(except as in para 5 of B.S. 33) or disposal
of assessment, and the sale of small
plots of land within the municipal
limits of Ootacamund ~~and~~ Coonoor
further requires the sanction of
Govt. The Board and Collector
recommend the free assignment
of the 11 cents subject to the pay-
ment of assessment at the rates
prevailing in the neighbourhood.
This is opposed to rules; on the
other hand, if ~~it is decided to~~
~~by auction~~ the sale by auction
of portions of land ^{forming part of, or} required for the
necessary extensions of existing holdings
will work hardship.

13-8-98 Secy The assignment
may it is submitted to
sanctioned, in the circumstances.
P.D.

but the Supt of Survey
may be directed to
investigate the
circumstances under
which the ~~encroachment~~ must of course be sanctioned,
was ~~shown~~ correction
came to be made in
the Zinco graph map
of Colacannund.

11/15/87
H. M. 1528/87
8/17/87

Issue draft
8/15/87

The assignment of the 11 cents
and further considering the
very explicit terms of the title
deed it is not open to Govt.
to levy any additional ass't.
on account of the additional
area.

The Supt. of Survey should
make the enquiry proposed.

11/18/87

Board's Reference 789 (C.N. 5082) 18-7-98 REVENUE DEPT.

G. A. mis no. 3442 d/23rd Aug 98

The Govt. ~~in the special case explained~~
sanctions the assignment of ~~the~~
~~encroached upon~~ the proprietors
of Rathorne, but is of opinion that
considering the very explicit terms
of the title deed it is not open
to Govt. to levy any additional
assessment on account of the
additional area shd be levied.

2. The Supt. of Survey will
be requested to investigate the
circumstances ~~under~~ which the
correction referred to in the B.P.
came to be made in the zinco-
graph map of Colacannund.

RS
20-8-98

11/22/87

8/15/87

To the Board of Rev (L.R.)
with Enclosures returned
in Supt. Madras Survey.

11/26.8.98