Revenue (1897) Department.

PRESS SERIES.

G.O., No. 397

Dated 27th June

[Despatch Abstract.]

Approving subject to certain remarks the draft Standing Order No. 30 as revised by the Board of Revenue.

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 (189 9) Department.

CURRENT No. 1493

From

The Board of Revenue, Land Revenue, Madras.

Order Pleas

The draft Standing order submitted by the Bd is approved subject to the following remarks.

(1) The fifth & sixth cols serve of the certificate (Form A) shd be omitted, all particulars necessary for the identification of the building being entered in the fourth col. 4

(2) The clause reserving the full rights of the State to minerals in the Land shd be restored in the certificate directed in Form B

RS the Bd & R. Mc 31.1.99

No. 756 Misc.

Dated 28th February 1899

Received } 1/3.
Registered }

Enclosures 2

Spare copies —

REVENUE DEPT. MADRAS FEB. 1899

SUBJECT.

Considering it desirable to revise Standing Order No.38 and to omit Standing Order No.35 altogether and submitting for the approval of Government a draft of Standing Order No.38 as revised.

1,000
17-1-99.

BACK PAPERS.

G.O.	No.	Department.	Date.
10	527	8	16-9-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

1P

Proceedings of the Board of Revenue

(Land Revenue).

No.736 Misc.Dated 28th February 1899

Resolution

In reprinting Chapter I of its Standing Orders the Board considers it desirable to revise Standing Order No.38 and to omit Standing Order No.35 altogether.A draft of Standing Order No. 38 as revised is accordingly submitted for the approval of Government.

2. A memorandum explaining the necessity for these alterations is appended below.

/True Extract/

Lowell Davidson

Ag.Secretary.

To the Secretary to Government,Revenue Department,

with a Memo and ~~proof~~.

Q.B.

JOLa

33. Disposal of land and buildings occupied by a Government Department.—The sale of Government land and buildings when expressly sanctioned by Government should, as a general rule, be left to the Collector of the district, but it is at the same time open to other departments to apply for permission to sell land, &c., themselves when they see cause to recommend such a measure, the sale-proceeds in either case being credited to the Revenue Department and not to the department making such application. This rule does not apply to the sale of building materials or other such property, but only to land, or buildings with the site on which they stand.

2.[a] Whenever it is proposed to sell buildings in charge of the Public Works Department with the sites on which they stand or with the attached lands, the Collector of the district will obtain the orders of Government in the Revenue Department.[a]

3. Whenever Government buildings are sold with their sites by public auction, a certificate in Form A given in the Appendix shall be granted for the *building*, and a title-deed in Form B issued for the *site* occupied by the building.

B.Ps., Nos. 2602, 3-11-1881; 699, 9-3-1882; [a] No. 157, 20-5-95.

APPENDIX A

Order 38, para. 3.]

Form of Sale Certificate for buildings.

This is to certify that A. B. has purchased at a public auction held at _____ on _____ the undermentioned immoveable property and has paid the full amount of the purchase money, viz., Rs._____.

Date and registration district.	Registration sub-district.	Taluk and village.	Description of ~~immoveable property~~ Building.	Boundaries.	Estimated area.	Remarks.
						This certificate covers the sale of the building only without the site.
F. 10	6	6	8	8	5	?

~~APPENDIX~~ B.

Form of Title-deed for the site of land sold with a building on it.

Know all men by these presents that _____ cents or _____ square yards of land in _____ village, _____ taluk, bounded on the north by _____, east by _____, south by _____, west by _____, are granted to A. B. on the following conditions:—

(1) That an annual ground-rent of Rs. _____ or of such sum as may be fixed at every periodical revision *thereof* shall be paid to Government on demand before the ~~30th June~~ 10th March of each year.

(2) That in default *of such payment* the ground-rent *may* be realized under Madras Act II of 1864, *or any similar enactment for the time being in force providing for the recovery of arrears of revenue.*

No. 1493

Memorandum.

S.O.No.35.

The disposal of lands for building purposes will in ----- future be regulated by the provisions of S.O.No.37 as revised in - G.O.No.527,Rev.,dated 16th September 1898.The words "and for lands like those ..... Government or the Board",and "and in --- freehold ....., assessed or unassessed" occurring in para 1 of - S.O.No.35 may,therefore,be expunged,the S.O.being confined solely to the disposal of Government buildings with their sites.For the - same reason the words "similar lands or" in para 2 of the S.O.may be omitted.Indeed para 2 is hardly necessary since it is obviously desirable that title-deeds should invariably be granted by Government for buildings sold by it.

2. S.O.No.35 as thus revised merely prescribes a form of title-deed to be used in the case of sales of Government buildings with their sites.The matter is not of sufficient importance to be embodied in a separate Standing Order,and might with advantage --- form part of S.O.No.38,which deals with the "disposal of land and buildings occupied by a Government Department".

S.O.No.38.

A para has been added to S.O.No.38 with reference to the foregoing remarks,care being taken to keep the disposal of buildings distinct from that of the sites covered by them.The existing form of title-deed,which,it may be remarked,is unnecessarily cumbrous,conveys to the purchaser absolute right over the building as well as the site occupied by it.Under the recent orders of the Government of India,however,only the occupancy right is to be ----- granted to purchasers of land,and the site occupied by a building can only be disposed of,subject to payment of ground-rent.Two distinct forms have,therefore,been provided,one for the building and the other for the site occupied by the building.The conveyance - deed for the former is in the form of a sale certificate similar - to the certificates issued to purchasers of immoveable property -- sold for arrears of revenue under Madras Act II of 1864.Vide form - form No.8 appended to para 23 of S.O.No.106 (New Edition).

2. The conveyance deed for land or the site occupied by -----

buildings, is in the form of a title-deed similar to that appended to S.O.No.37 as last revised by Government, but differs from it in two respects:- (1) The third clause has been omitted because a building is already supposed to exist on the land. (2) The date prescribed for the payment of ground-rent has been altered from "30th June" to "10th March", as otherwise the Collector will not be able to enforce payment within the fasli year and it is not desirable to have petty arrears outstanding beyond the fasli. A similar change of date was proposed by the Board in the draft rules for the disposal of assessed waste lands submitted to Government with Board's Reference No.817, dated 21st July 1898.

3. The insertion of a clause in the title-deed reserving the full right of the state to minerals in the land has been considered unnecessary. Such a clause is not found either in the rules for the sale of waste lands within the Municipal limits of Ootacamund and Coonoor (appendix to S.O.No.33) or in the form of title-deed appended to S.O. No.37 as last revised by Government. The ground not covered by buildings will in most cases be a few cents, and it is hardly necessary to reserve the full right of the State to the subjacent minerals in such small areas.

Lowell Davidson
Ag. Secretary.

O.B.

JDSA

1899
Rev. Dept.
Govt. No. 2
No. 1493

Bd. Proc. No 736 & 28-2-99.
(Con. 1493).

To the Under Secretary

In reprinting the first Chapter of the Board's Standing Orders, the Board proposes to take the opportunity to omit S.O. No. 35 altogether and to embody the provisions thereof in S.O. No. 38.

S.O. No 35 deals with "Good buildings sold with the sites &c" and is quoted in full on the margin. The Board points out that sales of lands for building sites will in future be regulated by S.O. No 37 as revised vide Go. 527 / 16-9-98 and that the words in brackets may be deleted. The Board also proposes to omit para 2 as it considers that it is always desirable to issue title-deeds for buildings sold by Govt. Para 2 of the present S.O is based on B.P. 3390 / 8-5-68 in which the Board [illegible] whether there was any objection to issue title deeds in the form therein given.

x "In order to secure uniformity in the title-deeds issued by Collectors for Govt buildings sold with their sites; [and for lands like those which formerly composed the old fort ditch and ramparts in the town of Kurnool; or other lands similarly disposed of for building purposes with the sanction of Govt or the Board at public auction and in freehold, but not under any of the rules already in force for the sale of waste land assessed or unassessed] a form of deed has been prescribed for adoption in these cases, which will be found in the appendix.

2. Collectors should be careful, in proposing sales of [similar lands or] Govt buildings with their sites, to state whether there is any, and if so, what objection to the issue of such a deed."

In the future.

2. The standing order as thus amended will then merely prescribe a form of title-deed in respect of the sale of Govt buildings with their sites, and the Board think that this is not of sufficient importance to form the subject of a separate S.O. and may with advantage form part of S.O. no. 38 which deals with the "disposal of land occupied by a Govt department", the words "and buildings" being inserted between the words "land" and "occupied" in that heading.

3. The form of title-deed now appended to S.O. no 35 conveys to the purchaser absolute right over the site of the building which is opposed to the recent orders of the Govt of India which require that building sites should only be disposed of only subject to payment of ground rent; the form is also otherwise the Board observe, is unnecessarily cumbrous. The Board has therefore drawn up two distinct forms - one for the building and the other for the site. The former is similar to the sale certificate for immovable property sold for arrears of revenue - vide form no 8 appended to para 23 of S.O. no 106. The latter is similar to that prescribed for town site lands (S.O. no 37) with the difference that the building condition has been omitted, as the building is supposed to exist already on the land. The date prescribed for the payment of ground rent has been altered from "30 June" to "10 March". The reason advanced by the Board for the latter change is that the Collectors may not be able

able to collect the Ground rent within the financial year, and that it is not desirable to have petty arrears and standing charges beyond the Capital. A proposal to make a similar change with the date will be found in connection with the disposal of assessed Waste Lands in the Salem &c. Districts is now under consideration by Govt.

The form of title-deed appended to S.O. No 35 contains a clause reserving to the full right of the State to Minerals in the Lands as this the Board considers unnecessary, as the extent covered by buildings will in most cases be a few cents and as such a reservation is not made in the case of the sale of Waste Lands within the Municipal limits of Colaba and Bandra, nor in the case of Town Sites in the Districts.

Cir. 5445/98.

But why do the public rights be given away? Moreover the sanction of the S. of State be required, as I read the Statute laws. [illegible]

Appendix to S.O. No 33. Rule XII

× "The purchaser is entitled "to work minerals on his "land but is liable to pay "for the same at "a separate assessment "fixed for × ×"

(× × It has been proposed to abolish these royalties & to dispose of building sites in Colaba and Bandra on the same terms as in the rest of the Province. Vide in this connection Cir. 5445/98.)

S.O. No 37 in F. 5-27. 16-9-98.

Case of townsite lands.

Seen. May be approved. [illegible] 27/3

This is all the S.O. is intended to provide for. [illegible]

Yes why. Duplicate the case with a reference to circ. We come under the general rules as townsite or ordinary dustbhart land. [illegible]

C. to 527/16-9-98

4. The Board submits for the approval of Govt a draft of S.O. No. 38 revised in accordance with the above suggestions. The draft refers to the sale of lands without any building thereon, but the appendix contains no form of title-deed for such sales. It is presumed that an ordinary ryotwari pattah or a title deed under (with or without a building condition) Bo Act No 37 Part II, will be issued according to the circumstances of each case.

RRS 24-3-99

Secy to Govt Rev Dept 27/3/99

Put the title deed orgl to provide for the reservation

If the State requisitioned we have no authority to give them away. It is all very well for the Dept to say the sale involves few cents but there may be cases where the extent is much larger

S.P. 2/8/98

The following remarks occur to me -

1. Supposing the Registration Dept (say) has purchased a site for an office, & that this is vested - Why should the sale proceeds be credited to the Rev. Dept? Why should not the money be credited to the Dept at whose cost the land was acquired or requisitioned under the Land Acquisition Act?

2- Form A - Sale certificate for buildings - Cols 5 & 6 "Boundaries & area" are obviously inappropriate - In case the building happens to be irregular in form, with outbuildings &c here on earth are boundaries & area to be given, & of what use would they be - Section Col 4 must be relied on for the identification of the building -

H.S. 9-4-99

All the more reason why it should be brought up to date - The Order obviously did not contemplate these cases in which the land had been acquired at the cost of a particular Dept -

To me it seems as clear as daylight that when such land is resold the particular Dept is entitled to be credited with the proceeds -

As the S.O. is to be revised I think the question should be raised as to whether the general rule does not require a proviso that where the site has been acquired at the cost of a Dept the sale proceeds shd be credited to that Dept -

I feel no doubt on the point - Where the site already belonged to Govt when the building was erected, the rule that the sale proceeds shd be credited to Land Rev. is of course right -

H.S. 6-5-99

Levy

Para 1 of the Hon Members note.

The order, it is submitted is a very old one based on G.O. 477 of 6.3.63 & reaffirmed in G.O. 1791 of 24 Nov 1881.

Para 2 of the Hon Members note.

The cols headed Boundaries & area are evidently intended to contain a description of the site as a means of identification of the building; the remark in the "Remarks" col. safeguarding against the conveyance of the land.

A draft order is submitted

H.L. 31/5/99

H.L. S.P. 4/6/99

8

To C.S.

Perhaps it will be best to consider the question raised by the H. M. after obtaining the Board's views in the matter. A draft O.M. is accordingly submitted for approval.

L.W.S.
8.5.99

The question of how the money in such cases should be credited is not for Rev. Dept but entirely for Fin. Dept Dft. thereon to Rev.

S.P. 18/5/99.

For Dy Secy No. 180 18.5.99.

Is the Standing order under revision?

R.W. 19/5/99

CHIEF SECRETARIAT
19 MAY 1899
OOTACAMUND.

9

[G. 75]
1,000—21-11-98.

NOTE FOR THE C.S.

With reference to the C's query at the end of the notes in the Revenue dept put up below, viz:- "Is the Standing Order under revision?," attention is invited to Board's Proc (L.R.) No 736, Misc, of 28.2.99 in which a revision of S.O. No 38 is considered advisable and a draft of this S.O. as revised is submitted for the approval of Government.

L.W.S.
26.5.99.
C.W.G.
26.5.99

I think it will be enough if the Standing order is sent to Fin. Dept. when issued. for. S.O.

W.P.S.
30/5/99.

R. D. M.O. No 1423 31—5—99.

W.P.S.
30/5/99.

Revenue Department

To the Undersecretary.

Submitted. The question about

10 9

which the file was forwarded W.O
by the Fin. Dept has not been answered
it is presumed the Fin. Dept accept the Board suggestion.
Sd
31.V.99

Secy

It might be well
to ask Fin. Dept if the above
presumption is correct?

Yes

Yes

8/8/6

Fin Dept Govt. 2199 2.6.99.

Chief Secretariat
3 JUN. 1899
OOTACAMUND.

Revd 6/6/99

A. G. ... No. 1505 dt 5th June 1899.

Is there any reason why the Hon. Mr
Suggestion should not be carried out:
Is there any urgency in it.

8.5.99.

Chief Secretariat
7 JUN. 1899

Treasury Account Department.

U. O. Memo. No.

I do not think the Hon'ble Members suggestion is quite in accordance with present practice or with account principles. Except in the case of the Salt and Forest Departments, the only buildings the sites of which would be acquired at the cost of the department would be petty constructions costing less than 1000/- and the proceeds of sale would in the case of the Registration Department be creditable to XXV Miscellaneous, unless the building had in the meanwhile been made over to the Public Works Department in which case the proceeds would be creditable to XXXII Civil

Chief Secretariat
15 JUN. 1899
GOVERNMENT OF MADRAS

Two important exceptions!

I dont understand this ? 10/-

Works. In the Excise Department the sale proceeds of distillery sheds and buildings are creditable to Excise in certain cases (see note 19 on page 661 Civil Account Code). As the matter is purely one of account I would suggest that it should not be dealt with in the Board's Standing Orders.

No 65
13-6-99

W.H.D.
Offg. A.G.

Thus the S.O. would be wrong in the case of Toddy, Salt, Excise & Registration -

To

The Chief Secretary to Government,
Financial Department.

Rev. Dept: u.o. No 1621 d/19th June 1899.

W/14/6

Hon.
The Rt. Es view may be accepted?
The words underlined in ink in the Draft S.O. should be omitted.
Current No. 1493 of 99 below

yes, perhaps this is the best disposal -
HS
22-6-99

Draft
sent back
27.6.99

W/P

Read B.P. No 736 d/ 28. 2. 99
(Cir. 1493/99)

47

Order (Cir.) No. 397 d/ 27th June 1899

The draft Standing order submitted by the Board of Revenue is approved subject to the following remarks:-

(1) The credit of the sale-proceeds of land and buildings occupied by a Government department is purely an account matter and should not be dealt with in the Board's Standing orders. So much of para 1 of the draft S.O. as relates to this matter should be omitted.

(2) The fifth and sixth columns of the certificate (Form A) should be omitted, all particulars necessary for the identification of the building being entered in the fourth column.

(3) No clause reserving the full right of the State to minerals in the land sold should be restored in the titledeed. (Form B).

(from orders)
W
27.6.99

Government (1899) of Madras.

REVENUE.

Recd.	1899.	*Enclosures*
Regd.		*Spare copies*

G.O., No. 397, 27th June 1899.

JUNE.

Standing Order No. 38.

Approving, subject to certain remarks, the draft — as revised by the Board of Revenue.'

2. The conveyance deed for land or the *site* occupied by buildings, is in the form of a title-deed similar to that appended to Standing Order No. 37 as last revised by Government, but differs from it in two respects: (1) the third clause has been omitted because a building is already supposed to exist on the land; (2) the date prescribed for the payment of ground-rent has been altered from "30th June" to "10th March," as otherwise the Collector will not be able to enforce payment within the fasli year and it is not desirable to have petty arrears outstanding beyond the fasli. A similar change of date was proposed by the Board in the draft rules for the disposal of assessed waste lands submitted to Government with Board's Reference No. 817, dated 21st July 1898.

3. The insertion of a clause in the title-deed reserving the full right of the State to minerals in the land has been considered unnecessary. Such a clause is not found either in the rules for the sale of waste lands within the municipal limits of Ootacamund and Coonoor (Appendix to Standing Order No. 33) or in the form of title-deed appended to Standing Order No. 37 as last revised by Government. The extent covered by buildings will in most cases be a few cents, and it is hardly necessary to reserve the *full* right of the State to the subjacent minerals in such small areas.

ORDER—No. 397, Revenue, dated 27th June 1899.

Miscellaneous.

The draft Standing Order submitted by the Board of Revenue is approved subject to the following remarks:—

(1) The credit of the sale-proceeds of land and buildings occupied by a Government department is purely an account matter and should not be dealt with in the Board's Standing Orders. So much of paragraph 1 of the draft Standing Order as relates to this matter should be omitted.

(2) The fifth and sixth columns of the certificate (form A) should be omitted, all particulars necessary for the identification of the building being entered in the fourth column.

(3) The clause reserving the full right of the State to minerals in the land sold should be restored in the title-deed (form B).

(True Extract.)

(Signed) N. E. MARJORIBANKS,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

Exd. Shaik Karim.

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CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED OR BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—

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