

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
~~Marine~~ (1898) Department.

CURRENT No. 7768

From

Board of Revenue
Land Revenue

No. 290.

Order (un) N2517 74th Feb 1899

Recorded
J.W. Mc
8/2/98

Dated 4. 11. 98

Received 12th

Registered 16th

Enclosures

Spare copies

Approved
to para 4 of
A.O. No. 110.

SUBJECT.

To the Board of Revenue (R.R.)
Note. The Board has instructed
Collectors to issue title-deeds, ^{in the} ~~form~~
forms approved by the Govt. Solicitor, to
purchasers of lands acquired for public
purposes but since relinquished and
disposed of. The forms follow generally
the model of the deed granted to
individuals purchasing lands bought
in by Government for want of bidders
at sales for arrears of revenue.

Coming to the Collector of
Coimbatore letter from the Govt.
Solicitor approving with slight al-
terations the forms of title-deeds
proposed to be granted to pur-
chasers of lands disposed of
under clause IV of paragraph 19
of Standing Order No. 11 (new
edition).

21. 11. 98

are forms Nos II & III

permitted by the recent ruling
that lands must not be alienated
except subject to revision of amt?

13/11/98
Please see
with Mr.
J. W. Mc
11/11/98

REVENUE DEPARTMENT.

1898.

Board of Revenue

(Land Revenue),

MADRAS.

Printed November *th.*

Proceedings, No. 290, 4th November 1898.

NOVEMBER.

Communicating to the Collector of Coimbatore letter from the Government Solicitor approving with slight alterations the forms of title-deeds proposed to be granted to purchasers of lands disposed of under clause IV of paragraph 19 of Standing Order No. 11 (new edition).

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE.)

READ—the following letter from J. A. CUMMING, Esq., Acting Collector of Coimbatore, to the Secretary to the Commissioners of Land Revenue, dated 6th September 1898, R. on C. No. 1912-Rev:—

I have the honour to request the Board's instructions as to whether sale certificates should be issued in the case of lands returned to original owners on payment of the market value, or sold to neighbouring landholders, or sold in public auction after being relinquished by the railway companies as being no longer required, and, if so, in what form.

Reference on the above, dated 5th October 1898, No. 1120.

The following draft forms of title deeds to be granted to individuals purchasing lands under the provisions of clause IV of paragraph 19 of Board's Standing Order No. 11 (new edition) as revised by Board's Proceedings, No. 162, dated 17th May 1897, will be forwarded to the Government Solicitor for favour of remarks. The title-deeds have been drawn up in plain language on the model of the deed appended to paragraph 4 of Board's Standing Order No. 110 (new edition).

I. Title-deed to be granted to the purchaser when the relinquished land is sold under clause IV, paragraph 19 of Standing Order No. 11, subject to the ryotwari assessment either at its cost price or at its current market value.

Whereas has purchased the land specified below to be held on ryotwari tenure subject to an assessment of Rs. , and has paid into the treasury at the sum of Rs. , being the purchase money of the said land, I hereby, acting under the authority of the Secretary of State for India in Council, confirm the said land to the said and heirs to be held by them as aforesaid subject to all the conditions and incidents of ryotwari tenure.

Specification of the land.

District and registration district.	Registration sub-district.	Taluk and village.	Field.			Extent.	Assessment.	Date of sale.	Date of payment.
			Number.	Letter.	Name.				
						ACS.	RS. A. P.		

II. Title-deed to be granted when the land relinquished was held on inam or zamindari tenure at the time of the acquisition and is restored under clause IV, paragraph 19, Standing Order No. 11 to the original proprietor at cost price subject to such occupancy right, if any, as existed in respect of the land before its acquisition.

Whereas has purchased the land specified below to be held on inam (or zamindari) tenure subject to a quit-rent (or peshkash) of Rs. , and has paid into the treasury at the sum of Rs. , being the purchase money of the said land, I hereby, acting on behalf of the Secretary of State for India in Council, confirm the said land to the said and heirs to be held by them subject to all the conditions and incidents of the title-deed (or permanent sanad) issued in respect of the land before the acquisition of the same for public purposes and subject also to such occupancy rights, if any, as existed in respect of the said land before its acquisition as aforesaid, which occupancy rights are hereby revived by virtue of section 2 of the Crown Grants Act of the Government of India, No. XV of 1895.

Specification of the land.

District.	Taluk and village.	Name of estate or number of title-deed if inam.	Number and name of field, if any.	Extent.	Assessment.	Proportionate quit-rent (or peshkash).	Date of sale.	Date of payment.
				ACS.	RS. A. P.			

III. Title-deed to be granted to the purchaser of the occupancy right in land of the description contemplated in Form II above, when such right is sold separately.

Whereas has purchased the occupancy right in the land specified below to be held subject to the rights in the said land of the inamdar (or zamindar) of Rs. , and has paid into the treasury at the sum of Rs. , being the purchase money of the occupancy right, I hereby, acting on behalf of the Secretary of State for India in Council, confirm the said right to the said and heirs to be held by them subject to the same conditions and incidents of occupancy right as were valid before the acquisition of the said land for public purposes, which conditions and incidents are hereby revived by virtue of section 2 of the Crown Grants Act XV of 1895.

Specification of the land.

District.	Taluk.	Estate or village and number of title deed if inam.	Number and name of field, if any.	Extent.	Assessment. (Rental).	Date of sale.	Date of payment.
				ACS.	RS. A. P.		

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Government Solicitor, with a copy of
Board's Proceedings, No. 162, dated 17th May 1897.

READ—the following letter from ERNEST BARCLAY, Esq., Government Solicitor, Madras, to the Secretary to the Commissioners of Land Revenue, dated 12th October 1898, No. 448:—

I beg to acknowledge receipt of copy of the Board's Proceedings, No. 1120, dated 5th instant.

2. I have perused the forms of title-deeds set out in the Board's Proceedings, and I would suggest some slight modifications therein.

3. In Form No. I, I think the word "grant" should be used instead of the word "confirm." In conveyancing the word "confirm" is generally used where the grant is made by one person and it is necessary, in consequence of an outstanding interest in the land being left in some other person, for that other person to confirm the grant. Take the case of a sale of land, subject to a mortgage, by the mortgagee, the mortgagor joining in the conveyance. There the mortgagee, in whom the land is vested by virtue of the mortgage, grants and conveys the land to the purchaser and the mortgagor, by reason of the equity of redemption remaining in him, confirms the grant by the mortgagee. Another instance in which the word "confirm" is used is where land has been already conveyed, say, to a purchaser but, by reason of some defect in the conveyance, it is necessary to have another deed from the vendor to complete the title of the purchaser. In such a case the word "confirm" would be the proper word to use. But in original grants from one person to another, the word "confirm" is not the word to use.

4. In the same Form I the grant should be "to the said _____ and his representatives to be held by him and them" I think the word "representatives" is a better word to use than "heirs" as "representatives" includes heirs, executors and administrators. After the word "representatives" should be inserted the word "assigns," though perhaps this is not very important in this country. If there be more than one purchaser, the words importing the singular number will, of course, have to be altered to words importing the plural number and the word "him and" will be struck out.

5. The same remarks apply to Form II but, in that form, the word "revised" should be "revived" I think the words "by virtue of section 2 of the Crown Grants Act of the Government of India No. XV of 1895" should be omitted. In the first place, these words seem unnecessary and in the second, the section referred to does not confer on Government the right to revive the occupancy rights. Government can, no doubt, grant the land on such terms as Government may think fit, but the section referred to does not give that power and, even if it did, it would be unnecessary to quote the section as the authority for reviving the occupancy rights.

6. For the reasons stated above, I think the operative part of Form III should read "grant the said occupancy right to the said _____ and his representatives and assigns to be held by him and them subject to the same conditions and incidents of occupancy right as were in force before the acquisition of the said land for public purposes and which conditions and incidents are hereby revived."

7. I forward amended copies of the three forms.

ENCLOSURE No. 1.

FORM I.

Title-deed to be granted to the purchaser when the relinquished land is sold under clause (IV), paragraph 19 of Standing Order No. 11, subject to the ryotwari assessment either at its cost price or at its current market value.

Whereas _____ has purchased the land specified below to be held on ryotwari tenure subject to an assessment of Rs. _____, and has paid into the treasury at the sum of Rs. _____, being the purchase money of the said land, I hereby, acting under the authority of the Secretary of State for India in Council, grant the said land to the said _____ and his representatives and assigns to be held by him and them as aforesaid subject to all the conditions and incidents of ryotwari tenure.

Specification of the land.

District and registration district.	Registration Sub-district.	Taluk and village.	Field.			Extent.	Assessment.	Date of sale.	Date of payment.
			Number.	Letter.	Name.				
						ACS.	RS. A. P.		

ENCLOSURE No. 2.

FORM II.

Title-deed to be granted when the land relinquished was held on inam or zamindari tenure at the time of the acquisition and is restored under clause (IV), paragraph 19, Standing Order No. 11, to the original proprietor at cost price subject to such occupancy right, if any, as existed in respect of the land before its acquisition.

Whereas _____ has purchased the land specified below to be held on inam (or zamindari) tenure subject to a quit-rent (or peshkash) of Rs. _____, and has paid into the treasury at the sum of Rs. _____, being the purchase money of the said land, I hereby, acting on behalf of the Secretary of State for India in Council, grant the said land to the said _____ and his representatives and assigns to be held by him and them subject to the said quit-rent (or peshkash) and to all the conditions and incidents of the title-deed (or permanent sanad) issued in respect of the land before the acquisition of the same for public purposes and subject also to such occupancy rights, if any, as existed in respect of the said land before its acquisition as aforesaid, which occupancy rights are hereby revived.

Specification of the land.

District.	Taluk and village.	Name of estate or number of title-deed if inam.	Number and name of field, if any.	Extent.	Assessment.	Proportionate quit-rent or peshkash.	Date of sale.	Date of payment.
				ACS.	RS. A. P.			

ENCLOSURE No. 3.

FORM III.

Title-deed to be granted to the purchaser of the occupancy right in land of the description contemplated in Form II above, when such right is sold separately.

Whereas _____ has purchased the occupancy right in the land specified below to be held subject to the rights in the said land of the inamdar (or zamindar) of _____, and has paid into the treasury at the sum of Rs. _____, being the purchase money of the occupancy right, I hereby, acting on behalf of the Secretary of State for India in Council, grant the said occupancy right to the said _____ and his representatives and assigns to be held by him and them subject to the same conditions and incidents of occupancy right as were in force before the acquisition of the said land for public purposes and which conditions and incidents are hereby revived.

Specification of the land.

District.	Taluk.	Estate or village and number of title-deed if inam.	Number and name of field, if any.	Extent.	Assessment.	Date of sale.	Date of payment.
				ACS.	(Rental).		

6 BOARD OF REVENUE (LAND REVENUE), No. 290, 4TH NOVEMBER 1898.

RESOLUTION—No. 290, dated 4th November 1898.

Communicated to the Collector of Coimbatore with the request that title-deeds in the forms approved by the Government Solicitor and appended to these Proceedings may be issued to purchasers of lands disposed of under clause IV of paragraph 19 of Standing Order No. 11 (new edition).

(True Copies and Extract.)

Lonel Davidson
Acting Secretary.

To the Collector of Coimbatore.

Copy to other Collectors.

the Secretary to Government, Revenue Department.

Exd. P. Seetharam.

REVENUE DEPARTMENT.

Current No. 7768 of 98.

From The Board of Revenue (Land Revenue)

Dated 4th November 1898.

FOR ORDERS.

In the Proceedings read above, the Board instructs the Collectors to issue title-deeds in the forms approved by the Government Solicitor, to purchasers of lands acquired for public purposes but since relinquished and disposed of. The forms follow generally the model of the deed granted to individuals purchasing lands bought in by Government for want of bidders at sales for arrears of revenue.

2. ^{Form} ~~The form~~ I relates to title-deed to be granted to the purchaser of lands held on ryotwari tenure and the form III is that granted to the purchaser of occupancy right in lands held on inam or Zamindari tenure when such right alone was originally acquired and subsequently sold. These forms call for no remark

* Appendix to para 4
of S.O. No. 110.

3. Form II is the title-deed to be granted when the land relinquished was held on inam or Zamindari tenure at the time of the acquisition and is restored to the original proprietor under conditions and incidents to which the land was previously subject. This form as also those already referred to are based on Clause IV paragraph 19 of the Board's standing order No. 11, which was amended in accordance with the instruction issued by the Government of India namely that all proprietary rights and all rights of occupancy which were extinguished by the acquisition of land for public purposes should be first offered to the persons from whom they were acquired or to their heirs if discoverable. (vide para 1 of the Government of India resolution in page 4 of G.O. 665 & 24th November 1896.) The Government of India having subsequently ~~revised the rules~~ directed that the rules in force throughout the Madras Presidency for the sale of unassessed waste should be revised so as to provide

FOR ORDERS.

vide para 2 of the G.O. resolution at page 4 of G.O. 665 & 24. 11. 96.

vide para 4 of the Govt of India letter in page 3 of G.O. 630 & 20. 10. 96.

Board's SO. No 128 (T.E)

for periodical re-assessment, the question for consideration is whether lands in Zamindaries or whole inam villages acquired for public purposes but since relinquished as being no longer required should be restored to the Zamindars or inamdars - subject to the payment of fixed peshkash or quit-rent or should be treated as waste lands at the disposal of Government and sold on ryotwari tenure. In issuing the instructions in 1896, the Govt of India have pointed out that it should be made clear to the parties that the concessions are made as an act of grace and are wholly within the pleasure of Government to grant or to refuse in any particular case. This observation, however, seems to apply to land being restored to the original proprietor and to the price at which it should be offered and not to affect the tenure to which it should be subject. When inam lands in Zamindari Pottiers and whole inam villages are resumed by Government or relinquished by the owners, they are made over to

3 Zamindars, talagars or whole village
zamindars with their consent and
with an addition to the peshkash or
liquor-rent of two-thirds of the full
assessment. But the lands ^{now} in
question become the property of
Government not through any
default of the proprietors but because
they were required for public purposes.
When such purpose is over, they
should, it seems, be restored on
the same conditions and incidents
of tenure to which they were liable.
But if it is considered that they
should be treated as ryotwari
lands, they may be disposed of as
ryotwari lands in Zamindari etc
but ~~subject to~~ subject to the
further condition that the assessment
will be liable to revision as
for settlement.

13/12/98 Secy
Sd/- The Govt of India
asked whether the instructions
in their Resolution B-44-13 of
the 30 Oct 96 should be
modified in view of their
subsequent order that land
at the disposal of the Govt
should not be alienated (save in particular cases) except subject to an act which may be made.

Please speak
11/1/99
Only to Government
1/1/99

Here.
It is quite clear, I think, that
the principles laid down as
to making provision in the
sale of waste for periodical
reassessment (vide G.O. I. Letter
7 Sept 97 in No. 28/10/98 N.
630 R) in no way interfere
with the policy of their
Resolution of 30 Oct 96. Under
this latter Resolution persons from
whom land has been compulsorily
acquired under the Act may,
if it turns out that the land
is not required, be reinstated,
& the intention is that they should
be reinstated precisely in
their former tenure if
possible. If a Zamindari interest
has been acquired, the Zamindari
interest is revived, &
the proportionate deduction of
peshkash reimposed - that
is of course if the Zamindari
agrees: Otherwise the land
will be at the disposal of
Govt & sold as assessed
land subject to the usual

periodical reass.

The title deeds seem to
provide all that is necessary
& the D.P. may be recorded.

S.P. 27/1/13

Please see draft in the docket

CR
2/2/99.

Wm
H
3/2

C 30.1.99

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

169

READ AGAIN G.O., No.

189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

ER OF GOVERNMENT.

MENT WITH-DITTO.

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