

Revenue (189 *9*) Department.

REVENUE DEPARTMENT.

Paper taken out of the Records from the charge of the Record-keeper.

Regular No.
Miscellaneous

of 1

MISCELLANEOUS SERIES.

G.O., No. 767

DATED 18th February. 99

[Despatch Abstract.]

Resending B. P. informing the
Cmrs. of S. Canada that the principles laid down
by Govt in its Order of 28. W. 98 should be
held to govern the disposal of lands held
on 50 years' leases and under permission
certificates in the D-.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go	3043	Rev	22.11.00				

Revenue (189⁹) Department.

Dr 18-2-99

CURRENT No. 565

Order in 1-767 7/18 Feb 1899.

Revised

from order

16/2/99

mu

to the Board Rev. L.R. 24.2.99.

162-99
rd
17-2-99

From

The Board of Revenue, Land

Revenue, Madras.

No. 269 Misc.

Dated 21st January 1899.

Received 23 - do -

Registered 24 - do -

Enclosures One

Spare copies

SUBJECT.

Informing the Collector of South Canara that the Board considers that the principles laid down by Government in its Order d/28-10-98 should govern the disposal of lands held on 50 years' leases and under permission certificates.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
6-10-95.



Proceedings of the Board of Revenue (Land Revenue).

No. 269 Misc., dated 21st January 1899.

Read letter from A. F. Pinhey, Esquire, Acting Collector of South Canara, to the Secretary to the Commissioners of Land Revenue, Madras, Ref. G. B. R. No. 1630/98, dated 16th December 1898.

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Resolution

The Board considers that the principles laid down by Government in its order of 28th October 1898 govern also the disposal of the lands referred to by the Collector of South Canara in his letter read above. No special orders of Government on the subject are therefore necessary. As the lands covered by permission certificates are in the town of Mangalore and have actually been built upon, they should be dealt with under para 2 (3) of the Government Order.

(True Extract)

Lonel Davidson

Acting Secretary.

To

The Collector of South Canara.

Copy to the Secretary to Government, Revenue Department,

with Collector's letter in original to be

returned.

Md. R. h.

Jala

Ref. G. R. N. No. $\frac{1630}{98}$

South Canara Collis Office
Mangalore.

16th December 1898.

From

A. F. Pinhey Esq.

Ag. Collector of South Canara

To.

The Secretary to the Commissioner of
Land Revenue.

Madras.

Sir,

With reference to Board's Proceedings
No. 302 (L.R.) dated 14th November last
communicating G. R. No. 630 Rev. dated 28th October
last on the subject of 99 years leasehold. I
have the honour to state that out of the ten
99 years' leaseholds existing in this District
(vide list printed at page 7 of B.D. No. 206 (L.R.)
dated 27th April 1893) permanent patta has
issued only in one case. No. 11 on the list (vide
B.D. No. 3293 (L.R.) dated 3rd July 1895). In
the remaining cases in which leases are
running I have issued notices to the lease-
holders giving them the option of taking a
ryotwari patta as directed in para 2 (2)
of the G.O. They are all properties situated
in

112 on G.O.

2500 mis 9/95

in the town of Bangalore and I doubt whether any of the lease holders would offer to take up before the expiry of the leases a ryotwari patta as the rent payable by them under the leases is very small as compared with the assessment they will have to pay if they accept ryotwari patta at the rate of assessment prevailing for town sites. I shall however report the result to Board.

2. Besides the 99 years lease holders above referred to, there are in this district five 50 years' leaseholders and 3 properties held on permission certificates. Govt directed that these 2 kinds of properties should also be dealt with in the same way as 99 years' lease holders and that permanent pattas should also be granted for them (As to the orders received in the case of the former reference is solicited to G.O. No. 369 Rev. dated 24th May 1894 read in B.O. No. 3266 (L.R) dated 14th June 1894 and G.O. No. 3523 Rev. dated 8th September 94 read in B.O. No. 5225 (L.R) dated 18th September 1894 and in the case of the latter to G.O. No. 862 Rev. dated 3rd October '93 communicated with B.O. No. 609 (L.R) dated 18th October 1893. No permanent patta has however issued in the case of any of these properties and I presume that the principles enunciated

enunciated by the Govt of India against alienation of land revenue in perpetuity also apply to these properties. If my presumption is correct I request that the Board may be pleased to move Govt to cancel the aforesaid orders directing the issue of permanent pattas for these properties and issue orders for the 50 years' lease holders being dealt with on the principles now embodied in G.O. No. 630 Rev. dated 28th October 1898.

3. As to the properties held on permission certificates, the Board will observe from the copy of the certificate printed at page 9 of B.O. No. 206 (L.R) dated 27th April 1893 that it is not of a terminable nature but is in all respects the same as an ordinary Canara land patta. I suggest therefore that the properties covered by these permission certificates may be left to be dealt with by the Revenue Settlement Deptt. at the Settlement of the District now progressing as once ordered by Board and Govt. - vide B.O. No. 388 (L.R) dated 29th July '92 and G.O. No. 256 Rev. dated 28th March '93 read in B.O. No. 246 (L.R) dated 27th April 1893.

I have the honor to be
Sir,
Your most obedient servant
(Sd) for M. S. B. S. S.

in the town of Mangalore and I doubt whether any of the lease holders would offer to take up before the expiry of the leases a ryotwari patta as the rent payable by them under the leases is very small as compared with the assessment they will have to pay if they accept ryotwari patta at the rate of assessment prevailing for town sites. I shall however report the result to Board.

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I have the honor to be
Sir,
Your most obedient servant
(Sd) for Sd. Collector.

C No. 561.

From the Board of Rev: Land Rev.

No. 269 Mis. Dated 21. 1. 1897.

FOR ORDERS.

To the Undersecretary

With reference to G.O. No 630, Rev. of 28. 10. 98. Cancelling the orders for the conversion of ninety-nine years leaseholds into permanent properties and laying down the principles on which lands held on such leases should be dealt with in future, the Colly of South Canara reports that he has given notices to the leaseholders of this class in the district giving them the option of taking ryotwari patta as directed in para 2 (2) of the order, and refers for orders the question of the treatment of lands in the ^{district} ~~town of Mangalore~~ held on

(i) fifty years' leases, of which there are five; and

(ii) permission certificates, of which there are three.

He draws attention to G.O. No

vide letter of 16.12.98 No. 1630 ²⁸ By G.B.R.
(in this current)

vide statement at p. 17 of G.O. ²⁵⁶ _{28.3.93} M

items nos. 15 to 17 in stt at p. 7 of G.O. ²⁵⁶ _{28.3.93} M

369 and 862 in which it was
3.10.93
25.5.94
decided that these kinds of properties
should be dealt with in the same
way as 99 years' leaseholds; and as
no permanent pattas have as yet
issued in respect of any of these
properties, and as the prohibition
of the Govt of India against alienations
of land revenue in perpetuity would
also apply to them, he suggests the
cancellation of the aforesaid orders
directing the issue of permanent patta
in respect of them and the issue
of orders for the fifty years' leases
being dealt with on the principles
now embodied in G.O. No. 630
28.10.94

2. As regards properties held
on permission certificates, the Col.
draws attention to the form of the
certificate printed at page 9 of G.O. No. 256
28.3.93
from which it would appear that
the properties held under these certi-
ficates are not of a terminable nature.
He says that the certificate is in
all respects the same as an ordinary
Canara land patta and suggests
that, as originally ordered in
para 4 of G.O. No. 256
28.3.93, the properties
covered by these certificates may
be

Of course the same principle
applies precisely
S/H

be left to be dealt with by the
Settlement Dept. at the settle-
ment of the district now pro-
gressing.

3. The circumstances under
which the Govt. passed the
orders, ^{contained} in para 4 of G.O. No. 256
28.3.93
and those under which it
modified these orders and
directed that the lands held
under permission certificates
should be treated in the same
way as 99 years' leaseholds
were as follows:—

In para 16 of his letter
of 12.3.91, No. 1020, printed in
G.O. No. 256
28.3.93
Rev. Mr. Brooke
wrote:— "I enclose a copy of a
permission certificate (Enc. D)
"which the Board will see
"is in all respects the same as
"an ordinary Canara land patta
"which the Bombay Courts have
"held Govt. is at liberty to revise.
"It is open therefore to Govt. to
"revise these leases at once, but
"as they do not appear to be termin-
"able leases already and revision
"of the land assessment at an

early date is in contemplation, I would suggest as the best course that these cases should lie over for disposal by the Settlement Dept. in due course. The Board of Rev. agreed with the collector and observed that if the course proposed by that officer was approved, special instructions would have to be given that the land was not to be assessed on its agricultural value as the crop it bore was houses — the value of which should be taken into consideration. The Govt. accepted the collector's recommendation which was supported by the Board of Rev. — vide para 4 of G.O. $\frac{256}{24.3.93}$. This order was communicated to the Special Settlement Officer, Malabar and S. Canara, by the Board of Rev. in the Settlement Dept. That officer ~~thereupon~~ pointed ^{out} that, under para 1 of B.S. Ord. 3, lands other than village-sites outside the Presidency Town, which are occupied for sites of houses and compounds, should ordinarily be assessed according

Para 7 of B.P. $\frac{388}{29.7.92}$ at page 16 ibide (M)

M.

His letter at page 1 of G.O. $\frac{862}{3.10.93}$

to the rules which would apply if the lands were occupied for cultivation, and observed: — "Why should that rule be departed from in assessing the three pieces of land referred to above? A ryot is entitled to the full profit of all his improvements, so if the houses are assessed, we shall be taxing improvements. The Board of Rev. in the Settlement and the Land Rev. Departments were however of opinion that the lands in question should be charged with quit-rent at Rs 12 an acre, which was the rate which had for years been imposed on such sites ~~because~~ in the town of Mangalore; but the Govt. was of opinion that these lands should be treated in the same way as those held on 99 years' leases, namely, that they should be assessed at Rs 2 per acre, except where the existing rent (was) at a higher rate, in which case the latter rate should be adopted, and such assessments should

should be fixed as a permanent quit-rent payable on the lands. In directing the issue of orders to this effect, the Honble Mr. Carstén wrote: "The Govt. has, for many years, been dealing with these certificate grants with the greatest liberality, and declining to enforce their terms, and giving titles on the most liberal terms. I don't see how any difference can be made in S. Canara between grants for 99 years and grants for indefinite periods. The same rule should apply to both, namely, Rs. 2000 are at least, or the existing rate when it is higher."

⊗ Sir H. Stokes concerning.

vide note of 22.9.93 under
G.O. No. 862
3.10.93

4. The form of the permission certificate printed at page 9 of G.O. No. 256/28.3.93 contains no clause for ~~the~~ reserving the right of Govt. to revise the assessment fixed, but the Govt. has already in passing the orders ^{contained in para 4 of G.O. 256/28.3.93} accepted the S. Canara Collectors contention that this power exists, inasmuch as these form of these certificates ^{was} the same as an ordinary Canara land patta which the Bombay Courts have held that Govt. ^{was} at liberty to revise. The decision of

Ref. not available

of the Bombay Courts referred to by the collector appears to be that contained in XII Bomb. App. 1, abstracted at page 2958 of Vol III of the Woodmans Digest. The right of Govt. to revise the assessment mentioned in these certificates, is ~~not~~ ^{ment} ~~being~~ ^{there} ~~held~~ ^{recognized there}, there appears to be no reason why the lands covered by permission certificates should not be assessed at the rate prevailing for similar rates in the town, but left to be settled by the Settlement Dept. The Board of Rev. Consider that both classes of lands referred to by the collector, viz, those held under fifty years' leases and those held under permission certificates, may be dealt with in accordance with the principles laid down in P.O. 630/28.10.98 and that as the lands covered by the permission certificates are in the town of Mangalore and have actually been built upon they should be dealt with under para 2 (3) of the Order. A copy of ^{has been submitted to Govt for information} the B.P. ~~is not to be considered~~

I agree 14-2-99

C-13-2-99
R-15-2-99

Secy
4.2.99
6.1.99
Yes 8/7/01/9
9/12/28

To us

Please see draft on

docket

Mr. C. D. R.

16-2-99

17-2-99

When given for copying
When copied
When examined
When signed

189

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

EXTRACT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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