

5/10/10
29/11/15 ✓
2-9-31 Bill

67-085

$\frac{0}{4}$ 2,000-17-12-98.

REVENUE DEPARTMENT.

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 828

DATED 23rd February 99

[Despatch Abstract.]

Transferring to the Legislative Dept.
Bd's Pro. submitting its remarks on
the Bill to amend the Court of Wards Regulation.

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 (1899) Department.

CURRENT No. 1207

Order

From
The Board of Revenue
(Land Revenue)
Madras.

No. 47 Ins

Dated 16th February 1899.

Received 17/2

Registered 17/2

Enclosures -

Spare copies -

SUBJECT.

Submitting to Government
the remarks of the Board
of Revenue on the bill to
amend the Madras Court of
Wards Regulation forwarded
under G.O. No. 707 Revenue,
dated the 23rd November 1898

BACK PAPERS.

G.O.	No.	Department.	Date.
1	707	Rev	23-11-98
	67	-	1-1-99
	4987	-	16-12-98
	Om-5	-	19-1-99
	10249	-	21-7-99
	6878/97		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Code
Class.

INDIAN  TELEGRAPHS. Monthly Number.

To

(Office)

Words.

Day.

Hour.

Minute.

Official
Instructions.

From

(Office)

To

(Person)

From

(Person)

Registrar R. S.

1st Asst. Bd. Lo
Rev.

Reply Board's message no 47 press of the 16th
instant is in the Press & the Supt. has been
requested to expedite the printing of the same.

64 Word Form.

20/2/99

The BP refd to is the

Ad's opinion on the Cont. quod. Bill. (C. no 1207).

20/2/99

Recd. from

LN.

Sent to

LN.

At

Hrs.

Mts. by

At

Hrs.

Mts. by

Telegraph Master.

Current No. 1207 of 1899.

From the Board of Revenue (Land Revenue)

Dated 16th February 1899.FOR ORDERS.To the Under Secretary.

- O. With reference to para 2 of
No 707 Rev 8 23 November 1898 the
Board states that it concurs generally
in the principles followed in the Draft
Bill to amend the Court of Ward
Regulation & offers the following remarks.
- Q. 2. The Board invites attention to the
opinion already expressed by it in para 3/3
of its Pro. No 249 8 21 July 1897 that
a proprietor whose estate is taken
under management on his own application
should, upon the estate being restored
to him free from incumbrance, be
declared to be incapable of creating
any charge upon the estate which
should be valid beyond his life time.
A provision to this effect was made
in section 40 of the Draft Bill sent to
R the Govt of India with letter No 199 8 5-4-98
but this has subsequently been omitted
in the revised draft. The Board observe

Pna 1898 707
23-11-98.

FOR ORDERS.

vide telegram printed
in J.P. No 67 Rev. 24-1-99.
W.

aside or cancelling the lease granted by the incapacitated proprietor should be deemed to be final. The Secretary of State for India having directed that an appeal should be allowed in such cases to the Civil Court a proviso to this effect has since been added to this section. The present suggestion of the Board need not be considered.

4. The Board infers that as no provision is made for the enforcement of the Collector's order under Section 41, the intention of Govt is to require the recovery of the property from the lessees to be effected through the medium of Civil Courts —

Section 40 (2) of the Bill provides that if an incumbrancer refuses or neglects to obey the Collector's order directing the delivery of possession of the property to the Manager, the latter may without resorting to a Civil Court enter upon the property and summarily evict therefrom the incumbrancer & any other person obstructing or resisting on his behalf. Section 41 contains no such provision.

As the lessee is given a right of appeal to the Civil Court against the order passed by the Collector under Section 41 ~~the~~ ^{provision for the summary enforcement of} ~~enforcement of~~ the Collector's order in default of appeal.

para of letter No 1763-133-2
of 26 August 98. S

I

G.O. No 707 of 23.11.98. O

the original is not available at present
having been put up with C.No. 895 in the

* Mr Justice Shephard's Minute

that it is not aware of the reasons which have induced Govt to take a contrary view in the matter and that it is very desirable that an individual proprietor should be prevented from undoing the good arising from a systematic course of careful management and thus depriving the successors to his estate of the benefit which they would otherwise reap. With reference to the provision contained in the original draft Bill, the Govt of India forwarded for the consideration of this Govt an extract para 3 of a letter from the Govt of the N. W. Provinces & Oudh of 11 December 97 containing the objections of Sir A. P. MacDonnell and observed that these objections possessed considerable force. They however expressed their willingness to leave it to this Govt after considering those objections to decide whether the provision should be retained or omitted. This Govt decided to omit it. The discussions connected with it are contained in the notes under J.P. No 707 of 23 November 98. There does not appear to be sufficient reason to reopen the question now.

3. The Board suggests that the order passed by the Collector under Section 41 setting

FOR ORDERS.

vide telegram printed
in J.P. No 67 Rev. 24-1-99.
W.

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3. The Board suggests that the order passed by the Collector under Section 41 setting

may also be left to be effected through
the medium of the Civil Service
may be made.

C.R.
21/2/99

Levy

The B.P. may be
transferred to the Leg-
Dept so that it may
be commd to the Sel
Commee when this
is formed.

the
21-2-99
S. H. M.

Please see draft below.

C.R.
22/2/99

Price

not available at
point up on the C.O.

Revenue Department

Read B. P. No 47 Pres d/16th

Feb 99 (C. No 1207 of 99)

Order Min. No 828 of 23rd Feb 1899

Transferred to the
Legislative Dept. with the
Office Note.

W.R.
23/2/99

C.R.
22/2/99

To the Legislative Dept. No. 27-2-99
with the Office Note.

126

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

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

STATEMENT WITH DITTO.

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

N.B.—
A = Copy in full.
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Q = Copy heading only.