

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 89

DATED 5th January 99

[Despatch Abstract.]

Agreeing with the Board of Revenue in considering that the lands in respect of which the conditions of the grant to the madras-municipality are no longer satisfied should be resumed in the ordinary course.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Exo.	1352 499.						
	881						
	1-38						

Revenue
Judicial (1898) Department.

CURRENT No. 7617

From

The Board of Revenue, Land
Revenue, Madras.

Order

Ref No. 1252

Dated 5th October 1898

Received }
Registered } 11th Nov: 98

Enclosures 2

Spare copies

SUBJECT.

Submitting for the orders of -
Govt. proposal from the Collr. of Mad-
ras to permit the Madras Municipal
Commission to lease out certain land
in Erungundram village to skin mer-
chants for building godowns.

G.O.	No.	Department.	Date.
Genl. Record papers of.			14/11/98

G.O.	No.	Department.	Date.

Survey No.	Extent.	Extent formerly granted.			Purpose of grant.	Conditions as to rent.	Portion now applied for.				Market value.	Purpose for which application is made and Remarks.
		Caw. Gt.	S. Ft.	Ac.			Caw.	Gt.	S. Ft.	Ac.		
377	not sketched.	1	6	2025 1-77 G.O. 4843 29 Nov. 95	For storage free of road materials	Free of rent	1	17	1600	2.30	B. 14,583 @ B. 350 per ground.	To be leased out to skin merchants in plots of 1000 Sq. feet each at one rent, \$50. per ~~plot~~ plot, per annum payable to the Municipality.
378	do.	12	3	2100 16.14	For use as a rubbish depot.	Rent of Rs. 63-13-7 p.a. payable to Govt.	2	6	900	3.00	B. 8151 @ 1/2 150 per ground.	do. do. The rent now payable to Govt. on so much of the land as is not taken up for road materials is Rs. 16 per annum.
376 } 377 } 378 }	not sketched	7	5	887 1/2 9.65 G.O. 3106 3 Aug. 96	For use for incinerating trash	Rent of Rs. 54 per annum payable to Govt.						

2. The market value of the land -
as estimated by the Dy. Collector -
of Madras is Rs.22,754-9-4. The Pre-
sident, Madras Municipal Commission
is not prepared to pay this amount
but offers to pay quit-rent to ---
Government at Re.1 per ground or -
Rs.97 in all per annum. The Collec-
tor points out that quit-rent ----

would be payable to Government even if the land were the property of -
the Municipal Commission. At the same time he observes that a grant of
land to that body on favourable terms, not involving loss of actual re-
venue to Government, may be justified by the impecunious condition of
its finances.

5. There are some discrepancies between the extents of land now
reported by the Collector and those of the previous grants. For instance
in Survey No. 577 it is stated that the Municipality requires for the -
present purpose 1 cawie. 17 grounds. 1600 sq. feet which according to --
the President, is a portion of the land handed over to the Municipality
for storing road materials, whereas the whole extent in Survey No. 577 of
which the Municipality is already in possession ^{for the purpose last named} is 1 caw. 6 gr. 2025 sq.
feet (vide marginal statement). But before calling for an explanation -
of this and other discrepancies, the Board resolves to submit for the -
decision of Government the question whether it is advisable to accede
to the terms proposed by the President, Madras Municipal Commission.

4. If as appears to be the case the land in question is no long-
er required for the purposes for which it was granted to the Municipa-
lity and is suitable for assignment on ground-rent to private indivi-
duals, the Board can see no reason why it should not be resumed from --
the possession of the Municipality and leased out by the Revenue Depart-
ment. The letting value of the land, as fixed by the Municipality is ---
8 as. per mensem for each plot 50 sq. ft. x 20 sq. ft. or Rs. 1383 per annum
for the whole extent if no allowance were made for open spaces, whereas
the quit-rent which the President offers to pay is only Rs. 97 per ----
annum. A proposal by the Dy. Collector of Madras that the Municipal Com-
mission should collect the rent fixed by it and hand over 75 p.c. of --
the proceeds to Government appears to have been rejected by the Presi-
dent.

5. Should Government as an act of grace be disposed to concede
the terms asked for by the Municipality the sanction of the Government
of India will be necessary under its Resolution No. 1-141, dated 6th ---
February 1872, as the value of the grant exceeds Rs. 500. The value of the
grant is in fact $29 \times (Rs. 1383 - Rs. 97) = Rs. 37,294$.

6. The present case is not analogous as supposed by the Collec-
tor, to that dealt with in Board's Proceedings No. 2362 dated 1st. Septem-
ber 1898 of which a copy is enclosed for the information of Government.
In that case the Board held that a tacit permission had been given to
the

the Municipal Commissioners to utilize the grant then in question
in any manner they thought fit. But no such inference can be drawn
from the Government orders governing the present case.

Donel Dawson

Ag. Secretary.

To the Secretary to Government, Revenue Department, with copy of
B.P. No. 2362, dated 1st Sept. 98 & Collr's. letter read therein.

Q.B.

[Signature]



Proceedings of the Board of Revenue (Land Revenue).

No. 2362 Misc., dated 1st September 1898.

Read letter from J.N. Atkinson, Esquire, Collector of Madras, Ref. No. 2742/genl., dated 22nd July 1898, to the Secretary to the Commissioners of Land Revenue, Madras,

-----:O:-----

Resolution

The Board observes that in para 8 of the Municipal President's letter to Government, dated 19th April 1880, P.W. & C No. 444, it was expressly stated that it was proposed to utilise the land in question for cart-stands and wood depôts as there was little likelihood of its being required for the purpose for which it was originally granted, viz, the construction of drainage works. In para 10 of Government Order No. 671 Rev., dated 16th June 1880, Government accepted the President's suggestion to modify the rate of quit rent, and, as the Board understands by implication conferred on the Municipal Commissioners the right to utilise the land in such manner as they thought fit. It would therefore seem inequitable, now, to resume the site without paying compensation for the improvements. In these circumstances, the Executive Engineer should be informed that the Board will not be prepared to move Government to hand over the site for the purpose of constructing a wharf thereon unless it is proposed to give compensation for the acquisition.

(True Extract)
/signed/ Lionel Davidson
Ag. Secretary

To The Collector of Madras, with Encl. returned.

/True Copy/

Donel Davidson

ag. Secretary.

Md.R.H.

File

1898
REVENUE DEPT.
Encl. No. 1
Cur. No. 7617

189⁸.
Board of Revenue
(Land Revenue),
MADRAS.

To

True Copy of Board's

Proceedings, dated 1st September '98, 189,
No. 2362, Mis. Routine Enclosures.

Subject.

4-2,000-8-4-97.

REVENUE DEPARTMENT.

C. No. 7617 of 1898.

From the Board of Revenue (L.R.)

Dated 5th ~~March~~ November 1898.

FOR ORDERS.

*vide statement appended to para 1
of Board's Ref. No 1252 of 5-11-98.*

*This is one of the standard rates.
vide table printed at page 5
of f.p. No 1513 of 19 July 1879.*

In f.p. No 4843 of 29 Nov. 95
& No 3106 of 3 August 96, the Madras
Municipality was allowed to make
use of certain portions of survey Nos
~~376~~ 376, 377 & 378 in Eungundram
village, Vepery Dn., for storage of road
materials, for a rubbish depot and
for incinerators. Rent is paid by
the Municipality at the rate of
Rs 5-4-0 per cawny on all lands
except that used for storage of
road materials which was granted
rent free. It is reported that the
President, Municipal Commission, has
seeks permission to ~~let~~ lease out
on a rent of a mas 8 per 1000 sq ft
portions of these grants to skin merchants
for erection of godowns. The extent
of the land proposed to be leased
out is 4 cawnies & 100 sq ft or 5.30 a
and its market value Rs 22,734-9.
It would appear that the President

~~Municipal Commission~~ offers to pay
quit rent to Government at Rs 1 per
bomd or Rs 97 in all per annum
while the rents proposed to be levied
from Skin Merchants by the Municipality
amount to Rs 1383 per annum.

Quit rent will be payable to Govt
even if the land were the property

of the Municipality. It is stated
that the Collector considers that a
grant of land to the Municipality on
favourable terms not involving loss
of actual revenue to Govt may be
justified by the impecunious condition
of its finances. The Board of Revenue,
however, observes as follows:—

"If as appears to be the case, the land
in question is no longer required for the
purposes for which it was granted
to the Municipality and is suitable
for assignment on ground rent to private
individuals, the Board can see no reason
why it should not be resumed from
the possession of the Municipality and
leased out by the Revenue Deptt."

The letting value of the land, as fixed
by the Municipality is 8 annas per
mensem for each plot 50 ft x 20 ft.

or Rs 1383 per annum for the whole extent
no allowance were made for open spaces.

FOR ORDERS.

The manai rate charged on building sites
vide page 5 of f.p. No 1538/19 July 1879.

Para 4 of the current

vide S.O. No 12 A

"Whereas the quit rent which the
President offers to pay is only Rs 97
per annum - A proposal by the Dy
Collector of Madras that the Municipal
Commission should collect the rent
fixed by it and hand over 75 p.c. of
the proceeds to Govt appears to have been
rejected by the President.

"Should Govt, as an act of grace, be
disposed to concede the terms asked
for by the Municipality the sanction of
the Government of India will be necessary

G.O. No 681 Pub. G. 6 June 1872.

"Under its Resolution No 1-141 of 6 Feb 72
as the value of the land exceeds Rs 500.

"The value of the grant is in fact
29 (Rs 1383 - Rs 97) = Rs 37,294."

2. As observed by the Board, the
land in question, if no longer required
for the purposes for which it was
originally granted to the Municipality,
should it is submitted, be resumed
from the possession of the Municipality
& leased out by Govt. Attention
is invited to f.p. No 1855 of 18 May 1873
& the notes thereunder from which
it will be seen that the Govt resumed
from the Municipality certain land
which had been rented out by it for
the storage of dynamite - a purpose

alien to that for which it was originally granted and directed the Municipality to surrender to land the ~~rent~~ rent received by it.

C.D.
10/12/98
Sey
12/11/98

H.M.
I don't see how any other position than that explained by the Board can be considered right. It is to assent to the Municipality's proposal w^h is precisely the same as making a free gift of R1383 p.a. to the Mty. at the expense of the general ratepayers.

J.F. 13/12/98

188. The previous w^h perhaps like to see this

J.F. 16/12/98

Please send n^o 188 submitted below.

C.D.
3/1/99
Sey
4/1/99

Read Bond's Ref. No 1252 of 5-11-98.
(C. No 7617 of 1898)

G.O. No 1252 of 5 Jan. 1899.

The Government agrees with the Board in considering that the lands ~~in question~~ should be resumed from the possession of the Madras Municipality & leased out by the Collector.

M
4/1/99

in respect of which the conditions of the grant to the Mad. Mty are no longer satisfied sh^d be resumed in the ordinary course.

J.F. 5-1-99

To the Board of Revenue (L.R.)
L.R. 1 enc. returned
" Local & Municipal Dept.

4-10-1-99

C.D.
3/1/99



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

189 .

READ AGAIN G.O., No.
 189 ,

DATED

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 WANT FOR DESPATCH
 IN ORIGINAL.

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