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(2) Date of repair 2-6-1875

(3) Initials of the Referencer AK

# MADRAS RECORD OFFICE.

Government of Madras.

*Financial* DEPARTMENT.

|          |      |               |
|----------|------|---------------|
| G.O. No. | 1184 | Press<br>Mis. |
|          |      | 4-5           |
| Dated    | 2-6- | 1875.         |

11/12

Not to be folded or roughly handled

**Municipal.**

No. 4. Read the following letter from W. S. FOSTER, Esq., President of the Municipal Commission, Godavery District, to the Honorable D. F. CARMICHAEL, Officiating Chief Secretary to Government, Fort St. George, dated Cocanada, 18th May 1875, No. 15:—

As requested by the Vice-President of the Rajahmundry Municipal Commission, I have the honor to forward his letter for the consideration of Government.

2. A garden was bought in Rajahmundry for Rupees 370 by the Municipality from the Village Munsif for the purpose of affording house-sites for some people whose present sites were wanted in order to widen some streets in the town. Owing to want of funds this plan could not be carried out, and the Municipal Commission resolved to sell the land by auction. It is certain that it will now bring in Rupees 1,000 if it is sold. The Vice-President requests that Government will over-rule the resolution of the Commission.

3. It is said that the owner of the garden was induced to sell it for a smaller sum than it was really worth, and that consequently now it would be more just to give him back the land for the same sum he formerly received for it.

4. The purchase was effected by the late Tahsildar, who has been reduced and removed to another taluq. There is no absolute proof that he used any improper means to induce the owner to part with his garden for a price below its proper value; but it would not have been out of keeping with his character to have used such means for this purpose.

5. The extent of land is about an acre and a half, and for this Rupees 370 seems a high price, but the fact of there being people who are willing to bid up to Rupees 1,000 for it now, leads to the conclusion that Rupees 370 was a very low price.

6. There is also little doubt that the owner was not anxious to part with his land. He has since rented the land from the Municipal Commission.

7. But I cannot make out what means were used to induce him to sell it; nor had I heard it mentioned till quite lately that anything wrong had been done, nor that the owner wanted the land back again. I was present at the first meeting of the Commissioners which decided to sell the land, and I voted for selling it.

8. Now I do not think that Government has the power of over-ruling the decision of the Municipal Commission; if they have, I consider on the whole now that it will be best to exercise this power. I have not the least idea that the Commission had any wish to make money by means that were not open and upright; and they certainly have the power of selling this land by auction. Still I do not like the idea of its being said that they had "taken advantage of a gross abuse of authority," and rather than have this even thought, I would sacrifice the profit that we might get, and give back the land to the owner for the price which he received.

*Proceedings of the Madras Government, Financial Department,  
2nd June 1875.*

From J. KELSALL, Esq., Vice-President of the Rajahmundry Municipality, to W. S. FOSTER, Esq., President of the Municipal Commission, Godavery District, dated Mandapeta, 6th February 1875.

I have the honor to ask your particular attention to the enclosed extract from the Proceedings of the Municipal Commissioners. I also enclose Venkatrayudu's petition with my Memorandum thereon.

2. The history of the case is briefly this. Mr. Stuart, when Vice-President, drew up a scheme for widening some of the streets of the town, and this scheme involved the removal of some houses. To induce the owners to agree, Mr. Stuart undertook that the Commissioners would provide fresh house-sites for them, and to enable him to do this a plot of ground belonging to Venkatrayudu, the Village Munsif, was bought for Rupees 370.

3. The land is an onion garden, about an acre and a half in extent in the best part of the town and on the banks of the Godavery. It is worth to the owner from Rupees 130 to Rupees 150 per annum.

4. Mr. Stuart's scheme fell through from want of funds, and this land remained on the hands of the Commissioners. For two years it has been rented out, but at a meeting held on December 17th, 1874, it was resolved to sell it.

5. The late owner at once came to me and said that the land was of great value to him, that he had been forced to give it up for a special purpose at a very inadequate price, and he represented to me that if the land was no longer wanted for that purpose, it ought to be returned to him on condition he gave back the money, which he said he would gladly do. He put his case into writing, and it came on for discussion at a meeting held on February 4th. I proposed that it should be given back to the late owner, receiving from him his purchase money; but all the Commissioners were against me, one declined to vote on the ground that he wanted to buy the land for his own use. It was freely admitted that the sum paid was only about one quarter of what the garden was worth, and would easily fetch if sold by auction, though nothing has since occurred to add to its value; but it was also urged that we wanted money very badly, and this was a grand opportunity of clearing about Rupees 1,000, by selling for Rupees 1,400 or Rupees 1,500 what we had paid Rupees 370 for.

6. Money, no doubt, is wanted, but it must be obtained in a just and fair way. The land was wanted for a pet scheme of the Sub-Collector, the Tahsildar was told to arrange for buying it. He was a most unscrupulous man, who has since been reduced for abuse of his powers in another case; the owner of the "Vineyard" was the Munsif receiving Rupees 20 per mensem in cash and entirely in his power. It was not difficult to predict the result. The land was parted with for about a quarter of its value. It is notorious that this man was bullied into giving up his land, no one else could have purchased it for anything like that price, and, as the Commissioners know, if it was put up to-morrow, it would fetch over Rupees 1,000.

7. So loath was the man to give up his garden that he has rented it since from the Commissioners, and has paid taxes on it thinking that this might somehow give him a hold on the land at some future day.

8. I do not know that Mr. Stuart ever saw the land, and I am sure he did not know all the circumstances of the case. Mr. Horsfall, the late Vice-President, and who has been connected with Rajahmundry off and on for ten years, entirely agrees with all I have written. If we carry out this sale we shall be recognizing and taking advantage of a gross abuse of authority.

9. I beg therefore that the matter may be laid before Government with a view to their overruling the resolution of the Commissioners. I am aware that this is an unusual course, but the circumstances I think justify it.

*Proceedings of the Madras Government, Financial Department,  
2nd June 1875.*

No. 5. ORDER THEREON, 2nd June 1875, No. 1184.

The law gives no authority to the Government to interfere. The entire responsibility of the proposed course of action rests on the Commissioners who should be earnestly pressed to reconsider their decision with reference to the inference of unjust dealing drawn by the President and Vice-President of the Municipality.

(True Extract.)

*Officiating Chief Secretary.*

the President of the Municipal Commission, Godavery District.

Exd. T. O'Connor.

Godavari District

Financial  
REVENUE DEPARTMENT.

No. 1251

From *Prest Godavari Dist Municipality*  
Dated 187 .  
FOR ORDERS.

The Govt has no power to interfere. Sect 18 leaves it to the Commissioners.  
2. The tale reads very shocking - but Mr Stewart has been absent 2 yrs from India & it is evident the vendor has said nothing all his time  
3. We might tell the Govt to buy the land for Govt - & then hand it over to the tenant-owner as part of his endowment - deducting the proportionate from his monthly salary.  
The Govt have certainly no power to interfere. I believe the case is a monstrous one. It will make about 100000 Rs. in the Govt. I might be wrong & recognize a claim & finally consider on the part of the Govt. I am not sure if the person in the public sale & I authorize the Govt. to purchase on behalf of Govt. I don't know what must be done to go enabling the Govt.

F.V. 28/5/5

Obt. of 1875. 31/12/75.

FINANCIAL.

THE PRESIDENT OF THE  
MUNICIPAL COMMISSION,  
Godavari District.

Dated June, 2nd.

Issued

Recd.

Encl.

H. No. 2258. 25/4/2  
O. O., 2nd June 1875, No. 1184.

JUNE.  
Nos. 4-5.

Municipal.—The Commissioners of Rajahmundry requested to reconsider their decision to sell a certain piece of land which was purchased for a specific purpose for a price below its value from a person who was forced to sell it and who now wants it back, the purpose for which it was bought not having been carried out.

to inform  
Barr: I am sorry for my  
easy terms.

I feel some hesitation  
at this latter purpose in  
knowing I am not sure  
that the best course is  
not to deny the state the  
inability of Govt. I  
inform of that the  
responsibility for this  
situation must rest on the  
former. [Signature]

24.5.76  
Mr. Kelkar is  
philanthropy has been  
beaten in fair discussion  
with the Commissioners and  
he comes up beating  
to it.

to the Govt. - with a  
sore tale of his able  
and far superior in  
predecessor's cruelty  
or worse.

I refuse to accept  
his story. Rs: 570 for an  
acre of land is not a  
bad price in a place  
like Rajahmundry - and  
two years have improved  
its value no doubt. There  
is not the slightest reason  
to believe that it is  
worth Rs. 150 to 150 an  
acre - at least I do not  
find that the late  
owner paid this for it  
while he rented it.

I would refuse  
to interfere but suggest  
to the Commissioners that  
as the land was bought  
for a public purpose it

it should be retained  
till that purpose can  
be carried out - on  
which subject the local  
Officers should report  
further without delay.

24/5 JBL

I do not take the view  
of this case which is  
adopted by A. E. Thelw  
I think, that knowing  
the character of the late  
Tahsildar Mr. Kelsale has  
acted quite rightly - I  
repet the inability of Govt  
to interfere directly in the  
matter - I would however  
word the order conveying

the opinion of the Govt  
strongly a request a  
reconsideration of the  
Commissioners decision - I do  
not see how the land  
can have increased in  
value during two years  
I would point out to  
the Commissioners how  
unpopular the sharp  
practice proposed is likely  
to make them among their  
own countrymen - RR

Consider the course suggested in the last Para of the Ambr in Excellence note the correct one -

1-6-75

~~urgent~~ Financial  
FOR ORDERS.  
Godavery District

Circ. special  
from orders <sup>Settled</sup> 2 June 1875. No 11841  
The Law gives no authority to the Govt to interfere - The entire responsibility of the proposed course of action rests on the Committee, who sh<sup>d</sup> be earnestly pressed to reconsider their decision with reference to the inference of unjust dealing drawn by the Pres<sup>t</sup> & the Board of the Municipality.

P.S. 1/6/5

Send letter to Govt  
Com<sup>r</sup> in Chief

Pres<sup>t</sup> Muni. Com<sup>rs</sup>  
Godavery Dist.  
Recd 2/6.

cc 2/5

No. 15

Godavari District 9  
Municipal Office

Cacanada 18<sup>th</sup> May 1875

From  
W. S. Foster Esquire

President  
To The Honorable W. F. Carmichael  
As Chief Secretary to Government

Sir,  
As requested by the Vice President of the Rajahmundry Municipal Commission, I have the honor to forward his letter for the consideration of Government.

2 A Garden was bought in Rajahmundry for Rupees 370 by the Municipality from the Village Munsif for the purpose of affording house sites for some people whose present sites were wanted in order to widen some streets in the town. Owing to want of funds this plan could not be carried out: and the Municipal Commission resolved to sell the land by auction. It is certain that it will now bring in Rupees 1000, if it is sold. The Vice President requests that Government will over-rule the resolution of the Commission.

3 It is said that the owner of the Garden was induced to sell it for a smaller sum than it was really worth: and that consequently now it would be more just to give him back the land for the same sum he formerly received for it.

4 The purchase was effected by the late Tahsildar, who has been reduced, and removed to another Taluk. There is no absolute proof that

he used any improper means to induce the owner to part with his garden for a price below its proper value: but it would not have been out of keeping with his character to have used such means for this purpose.

5. The extent of land is about an acre and a half, and for this Rupees 370 seems a high price, but the fact of there being people who are willing to bid up to Rupees 1000 for it now, leads to the conclusion that Rupees 370 was a very low price.

6. There is also little doubt that the owner was not anxious to part with his land. He has since rented the land from the Municipal Commission.

7. But I cannot make out what means were used to induce him to sell it. Nor had I heard it mentioned till quite lately that any thing wrong had been done, nor that the owner wanted the land back again. I was present at the first meeting of the Commissioners which decided to sell the land, and I voted for selling it.

8. Now I do not think that Government has the power of overruling the decision of the Municipal Commission: if they have, I consider on the whole now that it will be best to exercise this power. I have not the least idea that the Commission had

any wish to make money by means that were not open and upright; and they certainly have the power of selling this land by auction. Still I do not like the idea of its being said that they had "taken advantage of a gross abuse of authority", and rather than have this even thought, I would sacrifice the profit that we might get; and give back the land to the owner for the price which he received.

I have the honor to be  
Sir,

Your most obedient

W. S. Foster  
President

D. H. Ramachandran  
Secy. Club

Godavery District  
Vice President's Office  
Camp Mandapeta  
6<sup>th</sup> February 1875

From

John Kelsall Esq<sup>re</sup>  
Vice President of the  
Pajalmundry Municipality

To  
H. S. Foster Esq<sup>re</sup>  
President Municipal  
Commission

Sir,

I have the honor to ask  
your particular attention to the  
enclosed extract from the Proceed-  
ings of the Municipal Commis-  
sioners. I also enclose Venkatar-  
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2. The history of the case is  
briefly this. Mr. Stuart, when  
Vice President drew up a scheme  
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of

No. 1-

Recd 1875. With  
from (Municipal)  
the President  
Municipal Commission  
Godavery District  
Pajalmundry  
No. 15  
Recd 25. May 1875  
Enclo 15  
No. 1257  
Forwarding for the  
consideration of Govt.  
Copy of a letter from the  
Vice Presd of the Rajah  
Municipality  
regarding a proposal in  
Pajalmundry

For Govt.  
enc. please

of the town, and this scheme in-  
-valued the removal of some  
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3. The land is an onion garden  
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It is worth to the owner from  
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17/5  
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8. I do not know that Mr.  
Stuart ever saw the land and  
I am sure he did not know  
all the circumstances of the  
case. Mr. Horrofall the late  
Vice President and who has  
been connected with Pajamunday  
of and on for ten years entirely  
agrees with all I have written.

If we carry out this sale we  
shall be recognizing and taking  
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9. It is therefore that the  
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that this is an unusual course,  
but

but the circumstances <sup>19</sup> I think  
justify it. I have the honor to be,

Sir  
Yours most obediently,  
Signed John Fellsall  
Vice President

True Copy

J. S. Foster  
President

Notacumund. 72  
2<sup>d</sup> June 1875- N 1184-

The law gives no authority to the Government to interfere. The entire responsibility of the proposed course of action rests on the Commission, who should be earnestly pressed to reconsider their decision with reference to the ~~in~~ <sup>in</sup> ~~ference~~ <sup>ference</sup> of unjust dealing drawn by the President and Vice President of the Municipality.

A

The Pastoral Com<sup>rs</sup> } 6 Despo 16/6  
Godavari District } 22 L-2-50

1875  
In a letter from the  
Collector of the Godavari  
District  
To the Chief Secretary  
to Government  
Dated 18th June  
Orean  
No 15  
Heon  
No

Copy of a letter  
from the Secy. Revenue  
& the District  
Municipality  
Dated 12/5/75