

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1265

Dated 14th June 1893

INDEXED.

[Despatch Abstract.]

APPEAL.

BACK PAPERS.

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

FURTHER PAPERS.

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

CURRENT NO. 26

Tanjore, District Magistrate's Office.

CAMP, Taliam, 22nd May 1895.

Ref on cur No. 587 of 95.
May 6

FROM

Robert B. Clegg Esquire,
Acting District Magistrate,
TANJORE.

TO

The Chief Secretary to Government,
Judicial Department,
MADRAS.

SIR,

I have the honour to submit the records
of C.C. No. 5779 of 1894 on the file of the President,
Bench of Magistrates, Kumbakonam, with
the following remarks.

2. A lane running north to south has been
converted by the Municipality of Kumba-
konam into a public drain (Kumba-
konam Drainage Works). The eastern
wall of a madam adjoining the lane
was

was removed and rebuilt farther back at the cost of the Municipality in order to facilitate the construction of the drain.

Prior to construction it appears the sewage water of the madam used to flow through holes in the eastern wall into the lane.

After the wall was re-erected the accused has opened a similar aperture and turned the sewage water into the public drain.

3. The power of the Municipality with regard to public and private drains is clearly laid down in chapter IV (II) of the District Municipalities Act. The accused in turning his sewage water into the drain without the written permission of the Municipal Council, clearly

clearly committed an offence under section 211 of the Municipal Act, and is liable to punishment under section 263.

4. The acquittal by the Bench in this case is likely to induce other people to do likewise to the injury of the banks of the drainage channel belonging to the Municipality.

5. I have the honour, therefore, to request that under section 417, C.C.P., the Government will be pleased to direct the Public Prosecutor to present an appeal to the High Court against the order of acquittal in the case.

I have the honour to be,
Sir,
your most obedient servant,

John M. L.

For Acting District Magistrate
26-5-88

Judicial Deptt.

CURRENT NO. 24

Magistrial Department.

FROM

The District Magistrate of

TANJORE.

To

The Chief Secretary

to Government,

Judicial, Department,

MADRAS.

Dated 20th

Despatched

Received 29th

29th 30

Ref on cur No. 587 of 95

ENCLOSURE. one

Subject.

Requesting to direct the Public
Prosecutor to prefer an appeal
to the High Court against the
order of a civil judge & c no
5449 of 1894, of the
Bench of Magistrates, Trinka-
Koram

H M.

For order

as to whether an appeal
should be preferred in this case.

It seems a clear case though
a nominal penalty would probably
have sufficed seeing that the matter
was only continuing an ancient cus-
tom, & had apparently not been warned
to desist from it. - The order, the
length of usage can justify a public
nuisance such as allowing sewage
to flow into a tank & drain &
1.6.95

The case appears to be hardly one
for appeal. The circumstances
of it are such as to warrant
only a nominal penalty.

11/4/95

Apparently the Public Prosecutor
a drain & the Dept. used it,
which was the best thing he
could do. - It may be that some
quitted (technically) an
appeal under S. 241. But
the present was a technical
point.

CS
order of 14th June 1895 N° 1265

The Govt. is not prepared to
prefer an appeal in so petty a
case. The Dept. may have committed
a technical offence but a nominal
penalty would have sufficed.

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

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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