

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 835.

Dated 24th Apr 1895.

INDEXED.

[Despatch Abstract.]

STAMP OFFICE BUILDING.

Recording certain papers regarding Mr. Reddy Branson's objection to the construction of a latrine in the-- , with the remark that the Government agrees with the Inspector-General of Registration in considering that no notice need be taken of Mr. Branson's threat.

mcA.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3313		95				

[$\frac{G}{9}$]
2,000-23-1-95.

Current No. 1226

DEPARTMENT.

From

James Short Esq.

Attorney-at-law

82072/94

2991: 7. Decr 1874.

No.

Dated 11. 3. 95

Received 12. 3. 95

Enclosures

SUBJECT.

Forw^d notice of a suit
that will have to be lodged
against the Sec^y of State
unless certain actions
complained of in the
notice, are at once put
a stop to.

11/13/95



Co. 53: 11.1.95 This
papers

Endorsement: N^o 563.

Referred to the Inspector

General of Registration for early report
(By order)

18/3/95

Abner Davidson
13/5

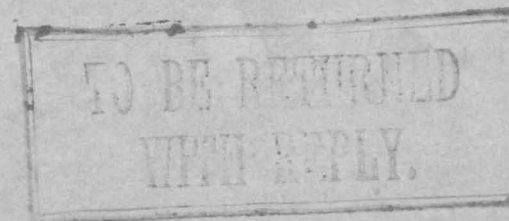
aj. Under Secretary

14th Mar: 95

To

The Inspector General of Registration.

11/13/95



Cover

JAMES SHORT,
Solicitor.

118, Armenian Street,

MADRAS, 11th March 1895.

The Chief Secretary
to Government
Fort St. George.

16/3/95

Sir,

It is represented to me by Mr. Madras George
Ruddy Bannan a Solicitor of the High Court of Judicature
at Madras and residing at Vengalpet within the local
limits of Madras aforesaid, and who is the owner and
occupier of premises Nos. 21, 22, 23 & 24 Jackson's Street,
otherwise called or known as the Second Line Beach,
Madras aforesaid, that a building formerly forming
part and used as a store room by ^{the} Stationary Office
and situated opposite to my client's premises is now
being converted into a Coach-house, stable and latrine
in connection with offices for the Registration Depart-
ment.

It is further represented to me that such
latrine is calculated to prove a serious nuisance
to my client as well as to those living in the vicinity
of

JUDICIAL (1895) DEPARTMENT.

"REGISTRATION."

From

THE INSPECTOR-GENERAL OF

REGISTRATION,

27 MAR. 1895

Madras,

To

THE CHIEF SECRETARY

TO GOVERNMENT,

Fort St. George.

Dated 26th

Despatched 27th

Received 27th

March

1895.

By No. 1487.

ENCLOSURE. One C/O 122620

No.

Stating that no notice need be taken of the complaint of Mr. Reddy Branson in the matter of the latrine constructed in the Stamp Office building and that there is no objection to the removal of the same if one can be constructed on the beach.

US 28/3.

Gmt Solicitor with current date 5/4/95

132 R. 2.298
copy of clear
order. Rates 769
75-4-95
Referred a original to the Govt
Sols for report as to whether he
Reddy Branson's objection is
legally maintainable
For orders. 2/4/95
2/4/95
Perhaps this may be

Recorded. This disposal will hardly suffice, for the last para. of the 18th letter contains an implied question vizt. "whether or not the latrine should not be constructed on another site belonging to the Harbour Trust Board." Mr. Reddy Branson is not likely to get his information, but perhaps would be as well to avoid legal proceedings by choosing the other site. This will however cause delay & perhaps extra expense as the land belongs to the Harbour Trust Board.

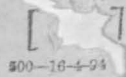
29. 3. 95
For orders as to whether the Sanitary Comm- should be consulted. as the latrine moved elsewhere or the new well by the S.G. be adopted. The last appears to be a compromise only worthy of consideration. Mr. Reddy Branson is of a suspicious disposition but does not always give the day

29/3/95
It seems to me that a man in an English town might as reasonably object to the man across the street having a W.C. in his house - The Govt Sols seems to me to be the proper person to consult as to whether so apparently preposterous an objection can possibly be maintainable. 1/4/95

(For orders)

MR 28.3.95

710224



Current
CONFIDENTIAL No. 1516.

Judicial DEPARTMENT.

Enforcement vs. 769
5-4-95

From

The Inspector General
of Registration
Madras.

Referred in original

to the Government Solicitor
for report as to whether
Mrs. Reddy Brauns's
objection is legally main-
tainable



4. No. 1487.

Dated 26

Received 27

March 1895

Enclosures c. 1226 returned

Wm. Davidson
44

5. April 1895 for chief secy

SUBJECT.

stating that no

be taken

200-27-7-94.

CURRENT

REGISTRATION DEPARTMENT.

g No. 1487

From

THE HON'BLE S. SRINIVASA RAGHAVAIYANGAR,

DEWAN BAHADUR, C.I.E.,

INSPECTOR-GENERAL OF REGISTRATION,

Madras,

To

The Hon'ble J. F. Price, C. S. I.,
CHIEF SECRETARY TO GOVERNMENT,

Fort St. George.

Dated *Madras, 26th March 1895.*

SIR,

Adverting to Government endorsement dated 14th instant, No. 563, judicial, (herewith returned), I have the honor to state that it is true that one of the store rooms of the Stationery office building has been converted into a coach house and stables, and a latrine has also been put up within a portion of the room for the use of the parties who have to attend the registration offices and transact business there. These works have been sanctioned by Government under G. O dated 20th November 1894, No. 2974 W^P communicated in G. O dated 7th December 1894, No. 2991, judicial. The latrine is concealed from view from the street and it will be kept clean so as not to be a nuisance ^{to persons} using the second line beach road. There are similar latrines in the same street attached to the General Post

the removal of the latrines.

2. There is no objection, however, to the removal of the latrine if one can be constructed in the vacant ground opposite to the Stamp office building on the beach. The ground belongs, I believe, to the Harbour Trust Board and the construction of a latrine is not, in my opinion, likely to cause inconvenience to the public.

I have the honor to be,

Small

Encls. ind? c no.
1226 + 1576.

Stating that Mr. Reddy
Branson's objection to the
~~completion of~~ construction
of a latrine in the Stamp
rice building is legally
untenable, at any rate
at present:

(over)

Q 274
R 274

Quos. 1226, 1516 & 1842

For order Order
mis

Recorded with

Remark that the Govt agrees
J.P. of Regt in considering the
notice need be taken of Mr. Redd's
Braunson's threat

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 The 2.9. of Rept (a to) / 26/4/95
 Dept 30 in
 600000 26/4
 422

CURRENT NO.

No. 231

Madras. 10th April 18

From,

Ernest Barclay,
Government Solicitor,
Madras.

To,

The Chief Secretary to Government,
Madras.

Sir,

1. I beg to acknowledge receipt of your endorsement No. 769, dated 5th instant, on a letter dated 26th ultimo No. G 1487 from the Inspector General of Registration on the subject of a letter dated 11th ultimo from Mr James Short, written on behalf of Mr Reddy Branson to your address.
2. In his letter Mr Short says that unless Government is -pared to desist from proceeding with the erection and building latrine which was formerly part of, and used as a store room by the Stationary Office and situate opposite Mr Branson's premises in -Jehangir Street, Mr Branson will be compelled, within two months time from the date of the notice, to institute a suit for an Injunction -restraining Government from building or proceeding with the erection and construction of the latrine and, in case the latrine should have been completed before the expiration of such two months, for a decree directing its demolition and for damages &c.
3. No doubt the High Court has jurisdiction to grant an injun-ction to restrain the owner of land from so dealing with his pro-erty as to prejudice or destroy the rights of his neighbour, & the Courts will, by injunction, prevent the continuance of a nuisance on one man's land to the injury or annoyance of another. But the Court will not interfere in any case unless some serious inconvenience has been sustained or some actual damage done or threatened. It seems to me therefore that Mr Branson's action is premature, for, to obtain injunction or decree that he threatens, it will be necessary for him to prove that he has sustained some serious inconvenie

tual damage or is threatened with actual damage and, certainly, until latrine is constructed and in use, none of these things can be - ed. So far therefore as the threatened injunction is concerned, I am opinion that no such injunction would be granted .

Whether the Court would direct the demolition of the latrine after its construction would of course depend very much upon the condition in which the latrine might be kept and whether it constituted a nuisance. The latrine would, in my opinion, have to be in a very filthy condition so as to be such a nuisance that the Court would order its - demolition.

5. Altogether I am of opinion that Mr Branson's objection is - not legally maintainable, at any rate at present.

6. I return the papers sent to me &

I have the honor to be,

Sir,

Your Obedient Servant,

Ernest Bursley

Government Solicitor.

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

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.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.