17/9/65

[L. & M.
9,000-3-8-96.]

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1267M

DATED 6th August 1895.

[Despatch Abstract.]

Land.

Declining to sanction the sale of----encroached upon by the municipal councillor M.R.Ry.Govinda Reddiyar in the Vellore Municipality and ordering, with remarks, the council to take immediate steps to remove the encroachment.

BACK PAPERS.

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

FURTHER PAPERS.

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

Encl.

Local & Municipal Dept.
CURRENT No. [illegible]

29 JUN 95

To

The Chief Secretary to Government
Local and Municipal Department
Fort St George
Madras

Sir.

We respectfully beg to bring to your notice that M. R. Ry. Govinda Reddiar one of the Municipal Councillors of Vellore encroached upon Municipal land to the extent of 41 Sq ft although he perfectly knew at the time that in so doing he was wilfully defeating the object with which the said land was originally purchased from him and another.

(2, That at a meeting of the Council held on the 26th November 94, the Council unanimously decided that the encroachment should be removed.

(3, That again at a meeting of the Council held on the 15th December 94, the Council once more ratified its former Resolution that the encroachment should be removed.

(4 That notwithstanding the above

of

Commrs.

[illegible]

be pleased to withhold their Sanction to the land encroached upon being Sold to M. R. Ry. Govinda Reddiar avergal.

11. For a thorough and proper Comprehension of the Situation of the encroachment with Reference to the Trunk road leading to Katpady Ry. St. Chittore &c. Your petitioners beg to Submit herewith a Sketch of the locality for Your information.

We beg to Remain
Sir
Your Most Obedient Servants

Municipal Commissioners,
Vellore.

Sketch showing the ground purchased and encroached by M.R.Ry Govinda Reddiar Avl. by the side of Katpadi road.

9 JUN 85

NOTE.

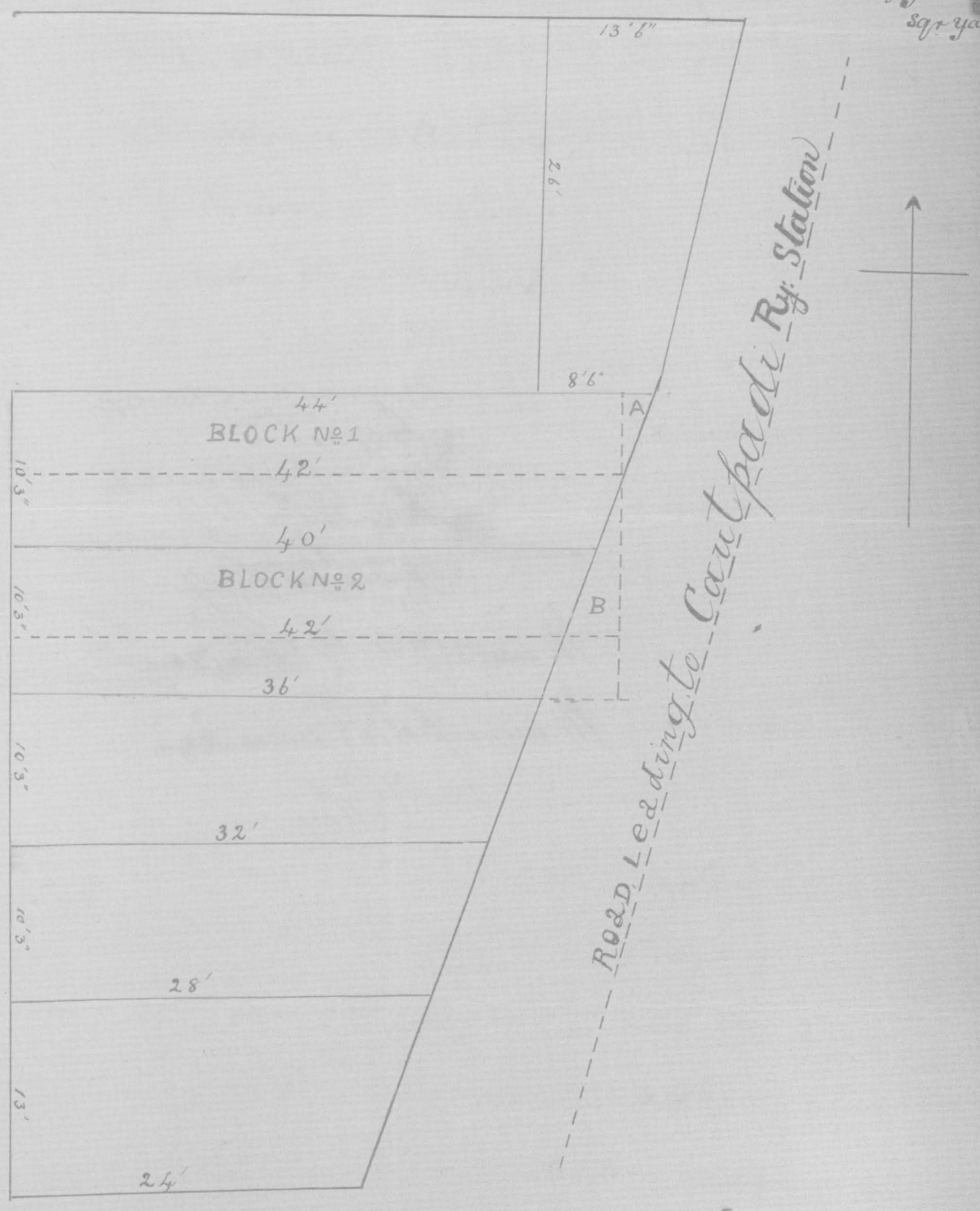
Block Nos. 1 & 2 — Ground purchased by M.R.Ry Govinda Reddiar av

Area of Block nos. 1 & 2 —— 820 Square feet or 91 1/9 sqr. yard.

A —— portion of ground left out whose area is 5 sqr feet or 5/9 sqr ya

B —— —— Do. —— encroached —— Do. —— 46 sqr feet or 5 1/9 sqr yar

(B-A) Excess ground encroached, deducting portion left out is 41 sqr ft or 4 sqr yar



Vellore

Dated 19. 2. 90

To

The Collector

North Arcot, Chittoor

Respectfully Sheweth:

1. That Govinda Reddiar a Village Munsiff and Municipal Councillor has encroached upon Municipal land to the extent of some 400 sq ft

2. That neither the Chairman nor the Sanitary Inspector of the Division took any action in this matter till it was brought to the notice of the Sub Collector who referred the petition to the Chairman Municipal Council.

3. That the Chairman on inspecting the spot and discovering an encroachment, brought the matter before the Council who appointed a Sub Committee to report on the matter.

4. That the Sub-Committee unanimously found after a careful investigation that Govinda Reddiar had encroached upon Municipal land to a very large extent (41 sq ft) and it accordingly reported the matter to the Council.

whether the encroachment should be demolished.

10, That on its being put to the vote your petitioners most forcibly insisted upon the encroachment being removed by the Municipality according to law but unfortunately the majority of the Votes including the Chairman's vote were for allowing the existing encroachment to stand and for recovering the value of land encroached upon. Which Resolution was outside the question under discussion. At this meeting the following Members were present—

M. R. Ry Swamidas Moodaliar avergal Chairman
" Peratwamy Mood. "
" Kathamuni Mood. "
" Colwarappa Mood. "
" Abubaker Sahib "
" Subadar Major Syed Usman Sahib "
" Govinda Reddiar "
" Poonoosawmy Mood. "
" Subrapermal Chetty "
" Soobbaroya Chetty "
" Palani Chetty "

That the piece of land on which the building in dispute is now situated [illegible] by the Council

from Govindo Reddiar and Dawasygamony Pillai at a very high price, with a view of preventing Accidents to persons and Jutkas moving to and fro between Mowbray and Kalpady roads happening because if the land were to be built upon by a line of houses there would naturally have been an obstruction to view owing to the Curve, the the Kalpady road would have to take and Accidents would naturally ensue.

12, That after utilizing the land purchased in making a Straight road and attaining its object the Council sold the land not required in lots to several persons and amongst them Govinda Reddiar purchased two lots—

13, That the land was sold on the distinct understanding that on no account should the Straight line of road be encroached upon, and the original intention of the Council frustrated in wishing to prevent any obstruction to view on this road.

14, That Govindo Reddiar having received a high price for this land

Specified, Some of these he Sent us two days after: Finding that there was unnecessary delay on his part and that we Consequently Could not record our reasons in full for dissent ~~and asked him to record~~ we Sent him a Memo ˣ of Some of our grounds for dissent and asked him to record the Same in the Resolution which he now declines doing although at the time of the meeting he promised to do so.

ˣ Copy attached

17, Under these Circumstances Your petitioners respectfully pray that Your honor will be pleased to Cancel under Section 35(c) of the Municipal Act, the Resolution of the Council passed on the 5th February 95 deciding to allow the encroachment made by Goonda Rissian to Stand and to recover the value of the land from him, inasmuch as it is a modification of the Resolution of the Council dated 26th November 94, is within three months of the latter date and is not Supported by half of the whole number of Municipal Councillors, is therefore the Municipal Act and as it will further be a precedent for the 4 other purchasers of lots for encroachment when they begin to build. Your petitioners further pray that Your honor will be pleased to direct the Chairman to insert their minute of dissent in the Resolution relating to this Subject.

For which acts of Kindness Your petitioners As in duty bound will for ever feel grateful.

Signed)

True Copy)

Dissenting Members

M. R. Ry Chelva Perumal Chettiar avergal
" Subbaroya Chettiar "
" Palani Chettiar "
" Poonnatkoty Moodaliar "

On the following grounds among others.

That the Resolution of this day (5th July) is a modification of that (Mr. R. Ry Govinda Reddiar should remove the encroachment made by him on the Municipal land at once) passed on 26th November 94. That as three months have ~~been~~ not elapsed since the Resolution of the 26th November 94 was passed, the present Resolution is null and void under Section 30 (5) of the Municipal Act.

That Councillor Mr. R. Ry Govinda Reddiar having failed to obey the two notices issued to him by the Chairman for removal of the encroachment, the action which the Council was called upon to take, was, either to prosecute him, or to remove the encroachment at Municipal expense and recover the costs from the defaulter.

as much of the land as

we dissent from the opinion of the Majority
as the same is null and void.

Further reasons for our dissent will
be found in detail in a letter following
which we request will be submitted to
Government with Resolution No 9 of 6th February 95
which forms the subject of our dissent.

(Signed)

True Copy

Dis No 351/c of 1895

Endorsement on petition dated
the 19th February 95, from M.R.Ry
T. Ponnusamy Mudaliar and 3 other
Municipal Councillors of Vellore, bringing
to notice the encroachment made by M.R.Ry
Govinda Reddiar on Municipal road &c.

Petitioners are informed that the
Collector has received a report on the subject
from the Chairman and understands that the
encroachment complained of does not
interfere with the convenience or safety
of the public. There seems to be,
therefore, no necessity for the Collector
to interfere in the matter.

Collector's Office
Chittoor
17/3/95

(Sd) Bunn
Ag. Collector

True Copy

31st March 1895
Vellore

To

The Collector
North Arcot.

Sir,

With reference to your endorsement on petition presented by me and 3 other Councillors on the 19th February last, about a Resolution of the Council passed on 5th February 1895, about the encroachment made by the Councillor, M. R. Ry. Govinda Reddiar avergal, I respectfully beg to invite your attention to our ~~prayer~~ Contained in para 17 of our petition ~~above~~ ~~above quoted and to~~ request that you will be pleased to decide on the two points raised by us viz.

(a) Whether Resolution No 9 of 5th February 95 was not a modification of the Resolution passed on the 21st November 1894, and (b) whether if it is a modification it is not null and void under Section 30 (5) of the Municipal Act being that it was passed within 3 Months of the last Resolution and was not supported by half the whole [illegible] as therein required

In Conclusion I most respectfully beg to prominently bring to Your notice that it was never our attention nor does our petition pray for a decision as to whether the encroachment Complained of does or does not interfere with the Convenience or Safety of the Public.

Awaiting the favor of an early reply

I beg &c

(Sd/) [illegible] &c

True Copy

D. No 531 d/ 7-4-95

Endorsement on petition dated the 30th March 1895, from M. R. Ry T. Ponnuyakody Mudaliar among of Municipal Councillors Vellore.

The petitioner is informed that the Act does not empower the Collector to decide on legal questions propounded to him by individual Councillors.

With respect to the last para of the petition, it is observed that it is only when the Convenience and Safety of the public is concerned that the Collector has power to interfere with a resolution of the Council (s. 35), and, therefore, it was necessary for his predecessor to arrive at a conclusion on this point.

Chittoor
8th April 95

(Sd) Burn
for Collector

True Copy

G.O. Ref. No 1645 of 95

SUE 29 JUN 95 O.P.

TO BE RETURNED WITH REPLY.

P.R.
No. 884

Referred to the Municipal Council, Vellore, for report, which should be submitted through the Collector.

By order

C. G. Todhunter
Ag. Assistant Secretary
26.VI.95.

V.R.
29/6/95

Forthcoming
28th June 1895

Enclosures. (ii)

No. 585 G.C. From

Municipal Councillors' Office,
Vellore 22nd June 1895.

P. Samydoss Mudaliar avergul
M. R. Ry. V. ~~SUBRAMIAH AVARGAL, RAO SAHIB,~~
CHAIRMAN, MUNICIPAL COUNCIL,
Vellore.

Local & Municipal Dept.
CURRENT No. [illegible]

To
THE CHIEF SECRETARY TO GOVERNMENT,
Local and Municipal Departments,
Fort St. George.

(Through the Divisional Officer.)

Sir,

I have the honor to request the sanction of Government to the sale of a piece of land measuring 41 square feet situated on the Katpadi Road, to M.R.Ry. Govindu Reddyar avergul, a Municipal Councillor.

2. The circumstances connected with the present application are detailed below:—

3. Sometime before December 1885 the Municipal Council of Vellore purchased a piece of land opposite the present Jutka Stand on the Katpadi Road with the view of having a straight road from the Mundi to the Katpadi Roads. After utilizing as much of the land as

O. I Wel no 1645 of 95

avergal, that final orders were passed on it by M.R.Ry V. Eswarappa Mudelliar avergal, the Chairman Delegate, within 4 days of his assuming office from M.R.Ry V Siva Yogi avergal the late Chairman, permitting him to build according to the plan and statement submitted with his petition No. 915 dated 15th June 1895 and not according to Mr. Franklin's sketch of 1885 as recommended by the Divisional Councillor M.R.Ry Abubaker Saib avergal. The Chairman Delegate being new, and the Clerk whose duty it was to place before him the correct facts having failed in his duty, this mistake occurred.

9. In so building, M.R.Ry Govindu Reddyar avergal has altered the plan of the blocks, as originally fixed by Mr. Franklin in his sketch of 1885. He deducted 2 feet from the total length of 44 ft from block no 1 and added 2 ft to the total length of 40 ft to block no 2. There has therefore been an extra encroachment of about 40 sq ft.

I drew up a report of the [illegible] case and placed it before the Council

justified in having ......

On the 28th August 1894. A Sub Committee was then appointed to inspect the place and to report on the alleged encroachment. This Sub Committee having found that there was an encroachment of about 40 sq ft, the Council at a meeting held on the 26th November 1894 resolved that the encroachment should be removed. M.R.Ry Govindu Reddyar avergal was served with a notice to remove the encroachment, and he presented a petition requesting the Council to reconsider the matter at a fuller meeting. This petition coming before the Council at its meeting held on the 15th December 1894 the Council declined to modify its resolution. M.R.Ry Govindu Reddyar avergal was accordingly again served with a notice to remove the encroachment, but on his failing to do so I brought his conduct to the notice of the Council on the 5th February 1895. At this meeting there were 10 Councillors present, M.R.Ry Govindu Reddyar avergal being one. It was resolved by majority that M.R. [illegible]

Chairman

asked to pay compensation for the land encroached upon because he was not in any way to blame for the encroachment inasmuch as the Chairman Delegate permitted him to build according to the plan submitted by him and a saledeed was executed in his favor by the Chairman Delegate & attested by two Councillors.

11 4 Councillors dissented, and they presented a petition to the Collector alleging that the resolution of the 5th February 1895 allowing the encroachment to stand was ultra-vires.

12 This petition was referred to me for report, and I brought to the Collector's notice the following facts:—

(a) That M.R.Ry Govindu Reddyar avergul first put in his petition to build according to a plan & Statement submitted by him on the 15th June 1893.

(b) That the Divisional Councillor M.R.Ry Ababucker Sait avergul did not report on that petition till the 16th October 1893 or 4 months afterwards and that therefore under section 180 clause (v) [illegible] Govindu Reddyar avergul was [illegible] entitled [illegible] before the Council

justified in having [illegible] building and constructed it accor[illegible] the plan furnished by him.

(c) That M.R.Ry V. Siva Yogi avergul the late Chairman did not confirm the Divisional Councillor's recommendation until 25th May 1894 or 8 months after its receipt.

(d) That M.R.Ry Govindu Reddyar avergul was not informed of either of the Divisional Councillor's recommendation or of its confirmation by the late Chairman, these being simply filed in the office.

(e) And that the Chairman delegate M.R.Ry V. Eswarappa Mudelliar avergul having both in his License No 412 dated 6th June 1894 as also in the conveyance deed executed by him on the following day (7th June 1894) permitted M.R.Ry Govindu Reddyar avergul to build according to the plan and statement submitted with his petition No. 915 dated 15th June 1893, the Council was estopped from taking any action against M.R.Ry Govindu Reddyar avergul. I further reported that as the road was a broad or

the

cannot does not in any way [interfere] with the convenience and safety of the public.

13. The Collector thereupon informed the dissenting councillors that as the encroachment did not cause obstruction or danger to human life or safety, he would not interfere under section 35 and suspend the execution of the resolution.

14. Copies of the resolutions of the 26th November 1894, 15th December 1894 and 5th February 1895 are enclosed, as also a sketch showing the encroachment made.

I have the honor to be
Sir,
Your most obedt. Servt.
P Samy dos Mr
Chairman
22/6

No. 55

Extract from Proceedings at a GENERAL ~~SPECIAL~~ Meeting of the Municipal Council for the Town of Vellore, dated 5th February 1895.

PRESENT.

M.R.Ry P Samydos Mudelliar avergal Chairman
" Palanichettiar avergal
" Subedar Major Syed Sulaiman Saib avergal
" Nadamuny Mudelliar avergal
" Abubuker Saib avergal
" Poonnakoti Mudelliar avergal
" Subroya chettiar avergal
" Chelvaperumal chettiar avergal
" Pariasamy Mudelliar avergal
" Govinda Reddiar avergal

9. The Chairman brings to notice that M.R.Ry Govinda Reddyar has not as yet removed the encroachment made by him in spite of the notice issued to him in pursuance of the resolution of the Council dated 26th November 1894. Read also extract from the Notice Book of the Sanitary Inspector Ist Division reporting that M.R.Ry Govinda Reddyar Avergal has not as yet removed the encroachment although he was asked to do so by notice No 498 with Divisional Councillor's report thereon.

Resolved by majority that M.R.Ry Govind Reddyar may be directed to pay compensation for the land encroached upon.

Dissenting Councillors

M.R.Ry. Chelvaperumal Chettiar avergal
" Subroya chettiar avergal
" Poonnakoti Mudelliar avergal
" Palanichettiar avergal

(True Extract)

P Samy dos Mr
Chairman

[Current 2795 of 95]

(189 -9).

Local and Municipal Departments.

CURRENT No. **No.** 992 Mug

DATED 4-7-95

From

THE CHAIRMAN,
MUNICIPAL COUNCIL,
Vellore,

Local & Municipal Dept.
CURRENT No. 2297 M

COLLECTOR'S OFFICE
3- JUL. 95

To

THE CHIEF SECRETARY
TO GOVERNMENT,
Local and Municipal Departments,
Fort St. George.

CHIEF SECRETARY
16 JUL 1895
GOVERNMENT OF MADRAS

(Through the Divisional Officer.)

No. 585 gl

Dated 22nd June 1895.

Received + 11 Returned ... 189 .

Encls 12

Cur 2766 M/97

SUBJECT.

Requesting sanction of Government to the sale of land measuring 41 square feet to M.R.Ry. Govindu Reddiyar Ayl for reasons stated.

Rule / 740 M 12-6-94

Forwarded

There is no provision in the act for claiming compensation in such cases. The man built according to his plan taking the silence of the Council for consent under s180 cl 5. There is no corollary in that section to the effect that compensation is claimable. Further the proceedings are ultra vires under cl 5 to sec 30 of the act

✓ E. Vaughan
ass
24.6.95

Submitted
J. A. Wynne
14.7.95. Collector

DESPATCHED

Enclosures.

Municipal Councillors' Office,

Vellore 1st July 1895.

No. 642 G.l. From

E. L. Vaughan Esquire
~~M. R. Ry. V. SUBRAMIAH AVARGAL, RAO SAHIB,~~
Ex officio CHAIRMAN, MUNICIPAL COUNCIL,
Vellore.

Local & Municipal Dept.
CURRENT No. 2298 M

To

THE CHIEF SECRETARY TO GOVERNMENT,
Local and Municipal Departments,
Fort St. George.

(Through the Divisional Officer.)

Sir,

Enclosed-

With reference to your endorsement No. 484 dated 28th June 1895 on petition of T. Poonniakoti Mudaliar and other Municipal Councillors, Vellore referred to the Council for remarks, I have the honor to inform you that a full report of the case regarding the encroachment made by Municipal Councillor M.R.Ry. Govindu Reddiar has already been submitted through the Divisional Officer with this office letter No. 585 gl dated 22nd June 1895.

Cur 2297 M/95

I have the honor to be
Sir
Your most obedient Servant
Vaughan
Ex Officio Chairman

Current 2878 J/95

(189 -9).

Local and Municipal Departments.

CURRENT No. No. 991 Eng

From DATED 4. 7. 95

THE CHAIRMAN,
MUNICIPAL COUNCIL,
Vellore.

COLLECTOR'S OFFICE 3- JUL. 95 NORTH ARCOT

Local & Municipal Dept.
CURRENT No. 2298 M

To

THE CHIEF SECRETARY
TO GOVERNMENT,
Local and Municipal Departments,
Fort St. George.

(Through the Divisional Officer.)

No. 642 gl

Dated 1st July 1895.

CHIEF SECRETARIAT 16 JUL 1895 GOVERNMENT OF MADRAS

Received 189

C. No. 1878 M. rtd

SUBJECT.

Informing that a full report of the encroachment made by M. R. Ry. Govinda Reddiar has already been submitted with this Office letter No. 585 gl dated 22nd June 1895. / Cur. 2297 M/95

Print / Cur. 2297 M/95

Forwarded

I agree with the Tahsildar as —vide my remarks in letter No $\frac{585^1}{22.6.95}$ of the Municipal Chairman

ASC
1/7/95

Submitted
S. D. Lyme
4. 7. 95. Collector.

DESPATCHED.
14 JUL. 95

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[5]
500—27-5-95.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Current No. 1876 M of 1895, dated 11th June from ~~the~~ T. Punyakoti Mudaliyar, to Municipal Council Vellore

Current No. 2297 M of 1895, dated 22nd June from the Chairman, M. C. Vellore.

— Do. 2298 M — 1st July — Do. — Do.

Order, 6. 8. 95. No. 1267 Muns

The proposed sale cannot be sanctioned. ~~The Municipal Council should take immediate steps to remove the encroachment.~~ The fact that the Municipal Council delayed passing orders upon the petr's application for leave to build upon his land cannot be held to authorise the petr. to build upon land which did not belong to him, nor can the fact that a Chairman who was new to the office unknowingly passed an order that the petr. might build according to the plan submitted by him be held to give petr. a right over land marked in that plan which belonged to the Municipal Council.

VB 26/7/95

2. It appears to the Govt. that the petr. must have been perfectly well aware that he was encroaching

2/8

Note. The fact that the municipal Council approved by its silence the proposal to erect the building, cannot, it is submitted, authorise the applicant to encroach upon municipal land.

Drop "please return of the desp."

2/8

Pd. to

To The Chairman, M. C. Vellore, thro' the Collr. of North Arcot.

Desptd. 10/8/95

upon the street & it views his
that of the members of the Council who supported him
conduct with dissatisfaction.

3. The Municipal Council should take immediate steps to remove the encroachment, & the Chairman should see that the Municipal business is in future disposed of in a less dilatory & an business like manner.

30.7.95 31/7/95.

Note.

It is not known here whether the Councillor in question is nominated or elected. If nominated, perhaps it wd. be good to tell the Collector not to reappoint him. If H.M. approves information will be obtained.

30.7.95

2/8/95

Madras Office

Issue above order & get the informatn. required about this member. 3.8.95

The Councillor in question is an elected member. vide G.O. 1496 M / 15.9.92

Seen. Issue the G.O. if not ... sent out 11.8.95

Sale of land in the Vellore Municipality

2297 & 2298

1267 L

H.M. / Misc.

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

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

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