[7]

L. & M.
9,000-3-2-96.

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1609 M

DATED 7th October 1895

[Despatch Abstract.]

Poramboke and street margins.

Stating, with remark, that the Government is not prepared to decide upon the rival claims of the Karur Devastanam and the Municipal Council regarding the ownership of----in the municipality.

3956/28

by G.O. 6830 Revenue /58

BACK PAPERS.

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

FURTHER PAPERS.

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

Karur Municipal

[7]

INDEXED!

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 7-10-95

No. 1609 M.

When given for copying.

[Despatch Abstract.]

Poramboke & street margins

Stating, with remark, that the Govt. is not prepared to decide upon the rival claims of the Karur Devastanam & the Munl. Council regarding the ownership of ____ in the Muncy.

Read again Order of Government, dated
189 , No , Miscellaneous.

Back Paper, No.
of

Further Paper, No.
of 189

Enclosures.

Current No

Statement with ditto.

Order of Government

Statement with ditto.

Papers not filed up, being meant for despatch in original (not paged).

N.B.—
- A = Copy in full
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Copied by

Examined by

No 20

Karur Hindu Davastanam Office.
Dated 18th March 1895.

Local & Municipal Dept
CURRENT No. 1835/M

From,

The Manager
Hindu Davastanam Committee
Karur
(Coimbatore District)

To,

The Secretary to Government
Revenue Secretariat
Fort Saint George
Madras

Most Respectively Showeth.

It was Submitted in former petitions dated 23rd July 1894 and 28th Febraury 1895, that this town Municipality have passed a resolution to the effect that, a peice of poromboke land lying within this tow [illegible] expressly declared as [illegible] be Sold [illegible]

Cno 1849 M/94 to
G.O 524 M
23-3-95

auction. It was at the Same time requested that orders may be issued directing the Municipality not to interfere with Such lands — lands over which they have no Control.

2. When these petitions are Still pending, and before final orders are issued, it is brought to notice that the Municipality have resolved again to sell off a Similar peice of poromboke land Situated to the north of Munesami Naidu's house in Malavaduga Street and measuring 14 by 3 feet.

3. Now the Municipal Council have Sold the above Said peice of land in the public auction treating with indifferrence the petitions of this office and also of the Government Order on the Same Subject declaring this to be an entire Inam village and as such all the poromboke belonging t Davastanam.

4. It is now [illegible] and that the

---

the Government regarding the right of the land in dispute. It is regretted that this has been done without Calling for any explanation from this office.

5. In Conclusion agreeable to the prayers Solicited in last telegram it is humbly requested that orders may be Sent at once and in time to the Municipality directing them not to hand over the Site to the bidder, until Conclusive and definite orders are issued Settling the right of possession.

I beg to remain,

Sir,

Your most Obedient Servant

S Srinivasathathachary

Karur, Hindu Davastanam Manager

✓

~~Rev~~ 1895 ~~Dept~~

Local & Municipal De

~~R~~ CURRENT No. 1035 M

The Manager

Hindu Devastanam Committee

Karur

(Coimbatore Dist)

To,

The Secretary to Government

Revenue Secretariat

Fort Saint George

Madras

Dated 18th } March 1895.
Recd „ }

Recd 21/3

No. 20

Subject

Soliciting that orders may be issued to the Municipality directing them not to handover the Site to the bidders.

to m [illegible] tered

---

524 M 23-3-95

No.

Referred to the Municipal Council, Karur, for very early remarks, which should be submitted through the Collector. Pending orders on this, no action should be taken by the Council in regard to the land in question.

(By order)

Assistant Secretary

V.R.
27/3/95

Fort Saint George }
March 1895 }

24 MAR 95

To

The Chairman M.C. Karur.

To await reply to G.O. 524 M 23.3.95

26/3. of 27/3

A statement showing the list of poramboke land sold by the Council to various persons from the year 1875.

Ser. No	Name of street.	Name of purchaser.	Measurement of the Vacant site	Remarks. Probable date.
1	Saudipettah Street	A. Gurunatha chettiar	14"×40"	1875.
2	„	——— Do ———	Do	„
3	„	——— Do ———	Do	„
4	„	——— Do ———	Do	„
5	„	——— Do ———	Do	„
6	„	——— Do ———	Do	„
7	„	——— Do ———	Do	„
8	„	——— Do ———	Do	„
9	„	——— Do ———	Do	„
10	„	——— Do ———	Do	„
11	Saudipettah street	Mahamed Hassain Sahib Quraishi	Do	„
12	„	——— Do ———	Do	„
13	„	Chidambaram Chettiar	Do	„
14	„	T. Gopalakrishna Chettiar	Do	„
15	„	Kuvalamalai Kanniya Chettiar	Do	1883 or 1884.
16	„	——— Do ———	Do	„
17	„	——— Do ———	Do	„
18	„	C. Narasimma Chettiar	Do	„
19	Coimbatore Road.	Gopalakrishnier.	30"×70"	15 Rs. 1887 or 88.
20	„	Syed Mahamed Sahib	„	„ „
21	„	Sholi ———	„	„ „
22	„	Latchumanaicken	„	„ – „
23	New street	T. Padmanabhiah.		[illegible]

Encl to Letter No 696/Rev of 95

24.	Gurunatha Mudali Street.	Rev. Henry Little.	—	.	In 1892-93
25.	Melvadiyga street.	Govindasami Naidu	—	23'7" x 6' 3/4".	In 1895 fork 1/5

Karur Municipal Office
23rd May 1895 VK

Subba Rao
Chairman

Enclosure to Letter
No. 57

Enclosure in ~~a~~ letter ~~to~~ from the
Collector of Coimbatore to the
Chief Secretary to Government
L. R. Department
Madras
No 1272/Rev of 95 d/ 29.5.95

2 ~~1790~~ Prop 95

No. 57

Karur Municipal Office
dated 23rd May 1895

From
M.R.Ry V. Subba Rao Avl,
Chairman, Municipal Council,
Karur

To,
The Collector
of Coimbatore

Sir,

As required in your letter dated 3rd April Refce No. 76/Govt. of 95, I have the honor to forward a sketch map of the Town of Karur showing the vacant sites as far as they are ascertainable within the Municipal limits — Paramboke lands as per Settlement Register refer entirely to roads and channels with the exception of No. 757 which is a burial ground and No. 826 entered as cattle stand or Manthai but now forming the margin of the road to Kulitalai.

2 The vacant sites are marked A and form mostly margins of streets and roads. Those sold by the Council in

years are marked B. A separate statement showing the sites sold is enclosed. The sites forming the subject of the Temple Manager's complaint of which plans are submitted separately to Government through you are marked A1 and A2.

3 The Devasthanam Committee claim all the avenues in the Town whether they are on the Channel banks, river sides or streets and recently sold a number of trees standing on the sides of the channel ~~banks~~ running through the Town. When their rights to the village as inamdars were declared in G. O. No. 795 Revenue, dated 10th October 1890, it could not have been intended that the avenues, streets, and sites within Municipal limits should also vest in them.

4 The Municipality since its tablishment in 1874 has been making a

se of the several sites, some have

lt upon and others turned into

market places while no less than 25 were sold.

5 The only site which was sold in 1892 by the Devasthanam is a beaten track, once a high road metalled and gravelled by the Council. It was sold for Rs 100 to one B. Vythi Aiyar, a Councillor at the time. This is marked C in the sketch.

I have &c. &c.

(Signed) V. Subba Rao
Chairman

(True Copy)

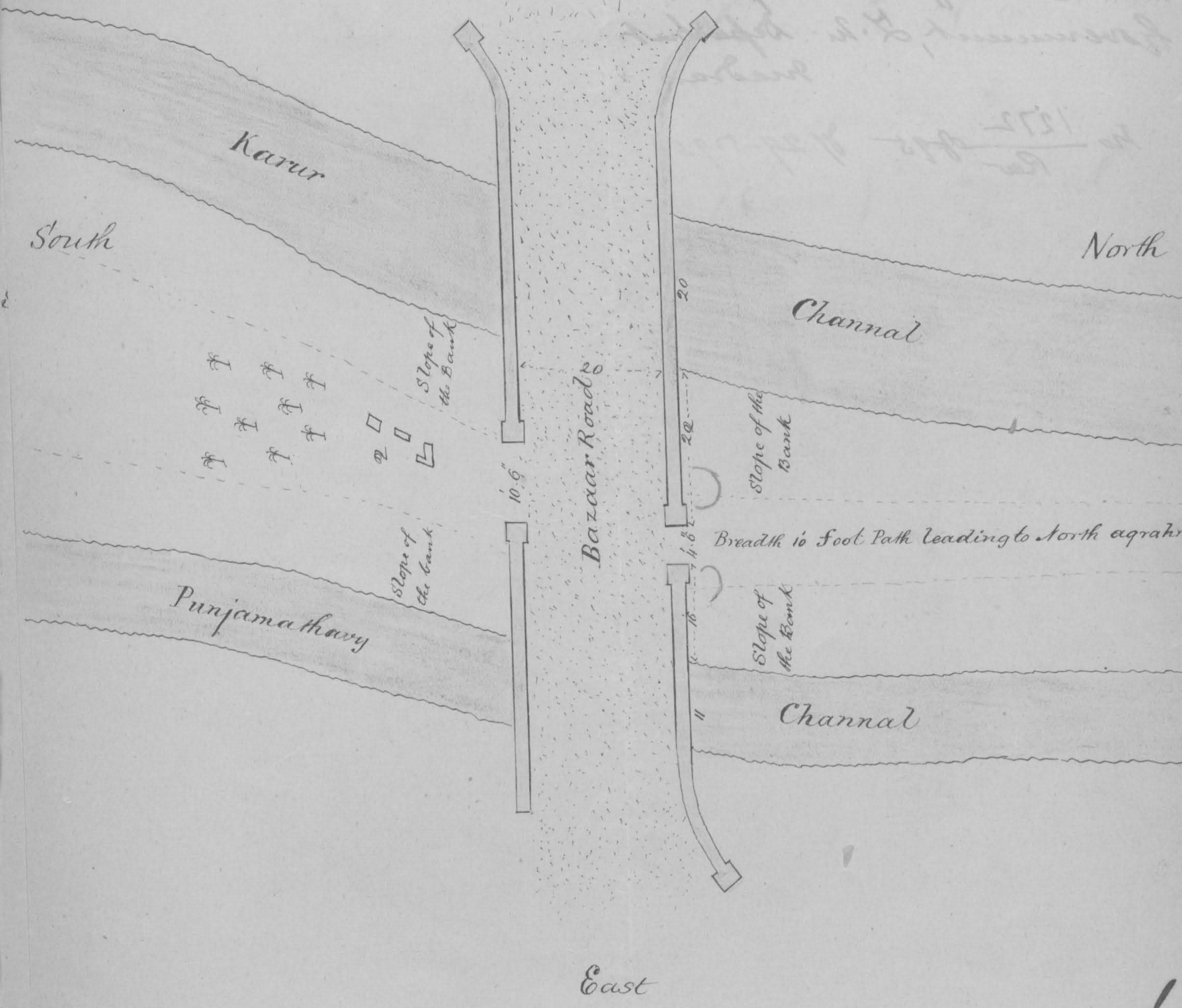
for Collector

In 1892-93

Enclosure in a letter from
the Collector of Coimbatore
to the chief Secretary to
Government, L.M. Department
Madras

No 1272/Rev of 95 of 29-5-95

3/790 M of 95



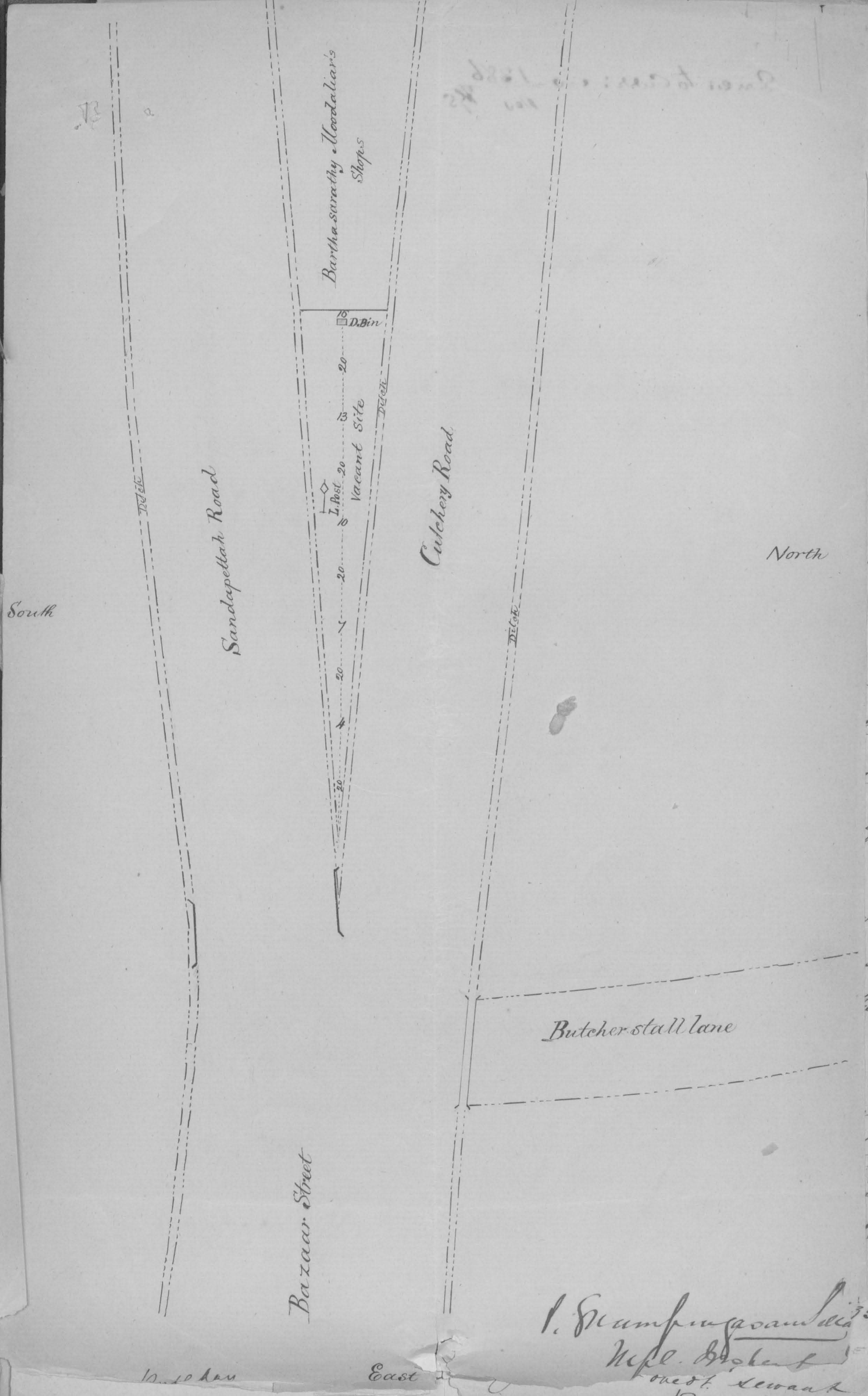
East

P. Gnanasingaram Pillay
Mpl. Inspector

The portion marked in blue pencil
is probably the site referred to
in the Temple managers petition.

Subbaloy
Chairman

4/1790 M of 90



P. Shanmugasundara
Mpl. Overseer
obedt. servant
[illegible]

Enc: to Curr: no 1386/Rev 4/5

5/1720 ms of 95

Karur Municipal Offi

Dated 23rd May 1895.

No. 7.

From,

Mrry. V. Subba Rao Avl
~~THE~~ CHAIRMAN,
Municipal Council,
KARUR.

To,

The Chief Secretary to Governm
of Madra
through the Collector of Coimbato

Sir,

With reference to G.O. dated 23rd M 1895 No. 524 Mis., I have the honor to su plans of the two pieces of ground forming subject of Complaint by the Temple au -rities

2 One of them is the margin of two public streets at the point where the meet and where there is a municipa dust bin and a lamp post. The Munic Council have no idea of selling it. other is probably the channel ~~ground~~ bund wh there is hardly space available for sa unless the way over the bridge between the Channels is blocked.

3 The question whether the Devasta Committee have any rights to vacant site within the Municipal limits and the avenu on the road sides and Channel banks has be referred by the Government to the Collector o Coimbatore in G.O. No. 524/M. Mis. dated 23rd March 1895

I have the honor to be
Sir
Your most obedt. servant
V. Subbarao

Current No 1386/Rev 895

rom

The Chairman
Municipal Council
Karur

The Chief Secretary to Govt.
Local & Mpl. Depart.
Madras

hrough The Collector of
Coimbatore

ated 23rd
esp. 25th } May 1895
eceived

No. 7

Encls. (2)

Subject.

Submitting plans of the
two pieces of ground forming
e Subject of Complaint by the
Temple authorities.

Enclosure in ~~a~~ letter ~~to~~ from the
Collector of Coimbatore to the
Chief Secretary to Government
L. M. Department
Madras

No 1272/Rev 895 d/ 29.5.95

Coimbatore Collector's
Office 29th May 1895

Local & Municipal Dept.
CURRENT No. 1790 M

From,

Herbert Bradley Esqre
Collector of Coimbatore

To

The Chief Secretary to Government,
Local & Municipal Department,
Madras

Sir,

In returning the papers which formed the Enclosures of G. O. dated 23rd March 1895, No. 524 M. Mis I have the honor also to forward the letter of the Chairman of the Karur Municipality enclosing plans of the two pieces of land referred to.

~~× Sent by a packet~~

2. It will be seen that there is no proposal at present before the Municipality to sell either of the pieces of land.

So, there was no Complaint.

3. As to the general question referred to me in para 1 of the G. O. I submit that the Temple Committee has no right whatever to the margins of Streets and roads, or to avenue trees. The Municipality was created in 1874, and by the Act then in force, all streets were vested in the Commissioners and have remained vested in them ever since. The definition

Local & Municipal Dept.
N.S. CURRENT No. 1791 M

(1895)

C.O. 1036 M/95 ✓
524 M 23-3-95 ✓
220 M 12-2-95 ✓
795 R.D. 10-10-90

623 M 23-4-90
1335 L 14-6-89
1961 L 16-8-89

From

The Collector of
Coimbatore

To

The Secretary Government
Local & Municipal
Department
Madras

Dated 29. May
Despd 1st } June 1895
Recd 5 JUN. 95

Enclosures: 5 – (~~1 enclosed~~ ~~1 sent by Packet post~~)
b + c. No 1849 M of 74 + 851, 865 + 928 M of 95

Dis No $\frac{1272}{\text{Rev}}$ of 95

Subject

Forwarding letter ~~of~~ from the Chairman of Karur Municipality, enclosing plans of the two pieces of land [illegible] by the [illegible] of the [illegible] Committee Karur, referred to and submitting report with regard to the general question referred to in para. 1 of the G.O. No 524 mis dated 23.3.95.

---

[28]

N.B.—The reply to this communication sho[illegible] addressed to the Chief Secretary.

LOCAL AND MUNICIPAL DEPARTMENT.

Memorandum.

C.N. 1790 M/95

Dated the 189 .

No.

Reference $\frac{1045}{31/7/95}$

The Collector is requested to quote the authority for the asserti in para. 4 of his letter that the enti inám village of Karúr came into existence only in 1890, as from para 3 of his letter dated 30th June 1890, Reference on No. 1099 - Board, print in G.O. dated 10th October 1890, No. 795 Revenue, it appears to have been treated as an entire inám village by the Inám Commiss in 1883.

V.R. 13/7/95

C.G.I. 14.VII

24/7/95

To, The Collector of Coimbatore.

Despd 31/7/95

To

The Collector of
Coimbatore —

Dispute between the Karur Municipal Council & the Devasthanam authorities

103581790·m

1045
95

Copy + despatch

Coimbatore Collector's

Dated 5th August 18

Local & Municipal
CURRENT No. 1537 M

From,

H. A. Sim Esquire,

Acting Collector of Coimbatore

To,

The Chief Secretary to Government,

Local and Municipal Department

Madras.

Sir,

In reply to Government memo, dated 31st July last, No. 1,045, I have the honor to report as follows.

2. The devasthánam village of Karúr was confirmed as an entire inam village by title deed, dated 9th July 1863.

3. For some time, however, it was not treated as an entire inam village: to the extent, that is, of Government relinquishing its control over porambokes.

also

pass altogether out of the control of the Inamdars — a control which, at its best, would be subject to the condition of maintaining the land in the fullest degree for the road, road margin and road avenues for which it had been reserved. The definition of street in Act III of 1871 evidently includes road margins.

To stray trees on channel banks they could reasonably lay claim, since such trees would form no necessary part of the maintenance of the channel.

Over waste lands, not specially reserved for some particular purpose, they, of course, possess the full rights of ownership, but I notice that in more than half the cases of house sites sly sold by the Municipality, [illegible]

Mr Bradley — the purchasers have by now acquired a title by prescription and are safe from disturbance; while in the later cases, if they should ever come up, possibly some compromise might be effected, which would obviate ejectment and litigation

I have the honor to be,
Sir,
Your most obedient Servant

Ag. Collector.

4. [illegible] Dept.

n.s. CURRENT No. 2532 M

(1895)

From

The Collector of
Coimbatore

to

The Chief Secretary to
Government, Local and
Municipal Department
Madras

Dated 5th }
Despd 8th } August 1895
Recd -9 AUG. 95 }

Dis No $\frac{2195}{Rev}$ of 95.

Subject

w.D. [illegible] with reference to memo
this led[illegible], requesting to quote
[illegible]thority for Mr. Bradley's
Ended [illegible]tion that the entire inam
-ment of Karur came into
the [illegible]kuce in 1890.

Municipality

17/8

[illegible] i. Iqing

Again G.O. dated 23rd March 1[illegible] No. 524 M.
Current No. 1035 M of 1895, dated 18th March 1895, from the Hindu Devastánam Committee
Current No. 1790 M of 1895, dated 29th May 1895, from the Collector of Coimbatore
— 2532 M — ——— 5th August ——— — do do

FOR ORDERS.

In the Government order read above, two petitions received from the manager of the Devasthánam committee, Karúr taluk, complaining generally against the interference of the municipal coun[illegible]l of Karur with the poramboke lands and the trees standing thereon in the entire inam village of Karur which belongs to the said committee, and particularly against the council's action in attempting to sell two pieces of poramboke land in the town, were referred to the Collector of Coimbatore for remarks and the Chairman was asked to submit plans of the plots of land referred to.

2. The first of the currents read above is another petition to the same effect as the previous ones, and with the second the Collector of Coimbatore forwards the Chairman's letter submitting plans of the two

pieces

ieces of land in question. It does not appear that there is any proposal now before the municipal council to sell either of these plots and the petitioner may be informed accordingly.

3. As regards the general question raised in the petitions, the Collector (Mr. Bradley) states that the temple committee has no right whatever to the margins of streets & roads or to the avenue trees which it claims. The municipality was established in 1874 and by the act then in force all streets were vested in the Commissioners and have remained so ever since. The Collector further points out that according to the definition given in the present act, "streets" include all land lying between the roadways and the main walls of houses and holds that as the entire inam village of Karur came into existence in 1890, it cannot now claim land which had then been in the possession of the council's predecessors for over sixteen years. He, however, suggests that to save all further bickering, Government should once for all decide

× Act III of 1871.

× But does "street" include road margins?

It apparently does as it runs from wall to wall, and therefore in many cases extends beyond the actual road way.

× Act IV of 1884.

× But what about cases where there are no houses, & the definition in sec. 23 will not work?

Then I should say that it stopped with the roadway including the ditch. The amending Bill however makes the definition clearer, and that includes the side drains.

× Note

Karur was declared to be an entire inam village in 1863, but for several years subsequent to this it was not treated as such & it was only in 1890 that the question of treating it as an entire inam village was finally settled.

× The Devastanam doesn't appear to claim streets.

That is roadway pure and simple?

× ? The Devastanam. There is a lacuna multum deflenda in the Collector's letter. Please see original. It appears however that he must mean "Devastanam", for the lands specially excluded in Mr. Sturrock's letter referred to were the unnamed minor inams, & the Jungle Conservancy tope to which Govt. still asserted a claim.

I think that the Colr. distinctly meant this.

× But the Devastanam doesn't claim "streets", only road poramboke & road margin.

The Colr.'s view is that "street" includes "road margin". This seems to be correct. What "road margin" is is another question. I take it to be wall to wall where there are houses, side drains where there are not. ~~[illegible]~~ we can leave it in that way.

decide, that in this particular case only the margins of the streets vest in the municipal council & all other poramboke lands with the exception of those specially excluded in the Collector's letter printed in G.O. dated 10th October 1890, No. 795 Rev., belong to Government and that the temple committee is entitled to all trees on channel banks maintained by it and the municipality to all the avenue trees.

4. In the third of the currents read above, which is in reply to the reference on the first two, the Collector (Mr. Sim) supports the view held by Mr Bradley & points out that although Karur was declared to be an entire inam village previous to its constitution into a municipality, still the roads in it must have been in existence prior to either, & like the ordinary village roads elsewhere would be "public roads" within the meaning of the various municipal acts that have since been passed and as such would become the property of the Karur municipality, passing altogether from

from the control of the inamdars and that the definition of "street" in Act III of 1871, includes "road margins".

5. The only property vested in municipal councils under section 23 of the District Municipalities Act, is the property in "public streets"; and in G.O. dated x 5th June 1895, No. 939 M. ~~in which~~ it has been held that municipal councils are entitled to nothing beyond the actual streets. The margins of streets and roads in this case ~~do not therefore vest in them. The ownership of these lan~~ds should therefore vest either in the inámdar (the Devasthanam Committee) or in Government and this is a question for the decision of the Revenue Department. The claim to the avenue trees will depend upon the ownership of the lands on which they stand & should as far as possible be regulated by the ruling contained in G.O. dd 14th June 1889, No. 1335 L.

V.R.
27/8/95

It does not appear very safe for Govt. to decide either one way or the other between the Council & the Devastanam. If it give a verdict for the Devastanam the Council & private

decide

FOR ORDERS.

x and in several other G.O.s

? The Council. Govt. appears to have no claim in any case.

It would be the Council certainly in all instances of land lying between the house wall & drain & in Karus the Devastanam in all others.

But action on the part of Govt. does not affect the rights of the Munl., whether acquired under the Munl. Act or by prescription

individuals affected thereby may hold it responsible, & if it decide in favour of the Council the Devastanam may ~~might~~ sue it.

If however a ruling is to be given, the following points for decision suggest themselves. The first is whether the Devastanam has lost, by neglecting to assert them until very recently, the rights as a whole inamdar which it was given in 1883. In G.O. $\frac{795}{10.10.90}$ (R.) this has not ~~even~~ been held & Govt. relinquished all claim to ordinary parambokes in the village. It may therefore be ~~now decided~~ that the Devastanam has & has had all along the full rights of a whole inamdar in the village. ~~The next point is the extent to which~~ As such it can claim all parambokes, & the trees on them. This has been admitted in the Revenue G.O. quoted above.

The next point for decision is the extent to which this right to parambokes is affected by Act IV of 1884. (It seems needless to go back to Act III of 1871. Act IV of 1884 provides the existing law, & the case would appear to require to be ~~judged~~ decided by it).

Act IV only vested public streets in the Council. It says nothing about road margins, or about the land alongside roads mapped & classified as road poramboke. In Govt. villages which have been made into Municipalities the question as to the ownership of road porambokes has often arisen, & Govt. has constantly held that the Councils are only entitled to actual streets. The same ruling wd. seem to apply to the present case, & the road porambokes excluding actual streets wd. appear to belong to the Devastanam.

The third point is the most difficult. It seems necessary to decide whether "road margins" in places where there are no houses to bring in the definition in Act IV of 1884, together with the trees on them belong to the Council or the Devastanam, that is whether the margins & trees form part of the "public street" vested in the Council or not.

It is believed that the view taken at the end of para 1. of B.P. 125 / 9.2.89 is the one usually now accepted, & this may perhaps be adopted. It is not difficult to apply in practice, as it is usually possible to decide at once how much of the margin is used

Hon

FOR ORDERS.

× that is from house wall to house wall where such exist and the road way, which I take to include side drains, where they do not.

So I should say

BS

× I am inclined to think that they do not belong to the Council, but it is a difficult point to decide

E

The Cl. has existed for a long time & if it has exercised any rights over the road margins others must by this time have acquired a prescriptive right thereto

BS

X in G.O. No. 1335 L
14th June 1889.

This is the view, I suppose, now generally accepted, but I consider it altogether wrong — The view I take is stated in para 2 of Mr. Money's letter of 9/8/88 in G.O. 1335 L / 14.6.89 — But in order to carry out that view one would have to reopen the whole poramboke question

which was ~~[illegible]~~ elaborately considered some years ago on Mr. Farmer's report — If my hon colleague is prepared to join me in doing so, well & good — If not, untold harm will be done throughout the country to the public interests by the Zemindars — In the latter case, the only safe course perhaps to pursue seems to me for it to have the Karur Municipy. to settle its differences with the Inamdars as best it can —

BS
18/9/95

Hon. Mr. Grose

I don't think the Poramboke-question shd. be reopened. So far as I remember it was justly settled after careful & protracted inquiry & I have not heard that any harm to public interests has accrued from the decision. I don't think the Lakhiraj lands mentioned in Sec 4 Reg XXV of 1802 included road-margins. The Section determined that the Peshcush shd. be calculated exclusive of inams but not of public porambokes. If Zemindars encroach on them the Dist. Bd. or the portion of the public interested can assert their rights in the Civil Courts. In this case the Muni. Commn. can resist encroachments by the inamdars in that way.

for purposes connected with the road. Any decision on this matter would appear to require to be passed by the Rev. Dept. or at least counter-initialled there.

31.8.95

17/9/95

It is a revenue question & I have not the time to take it up. But as to the harm to public interests, I invite my hon. colleague to consult any officer (say Mr. Farmer) who has recent experience of Zemindaries —

BS

That is, no one will take up the cudgels against the Zemindars, & they will be masters of the situation, as against the public, in the same way as temple trustees are

BS

So I suppose

BS

Seen

JG

CS.
/

order. 7-10-95 No. 1669 Mis

The Govt. is not prepared to decide ~~between~~ upon the rival claims of the Devastanam & the Council. The matter may be settled, should need arise, in the ordinary Courts of law.

W. 4.10.95 JS 5/10/95 (for orders).

To Petr. (Manager, Karur Hindu Devastanam Committee) BO
" Collector of Coimbatore BO
" C.M.C. Karur. BO
" Revenue Dept. BO

11/10/95

Ownership of purambokes & street margins in Karur Municipality.

25-32 M

Hm. (for orders)

~~Hon. Mr. Grose~~

Resubmitted to Hon. Mr. Bliss C.I.E. with refce. to Hon. Mr. Grose's note.

W. 23.9.95 JS 24/9/95

Resubmitted to Hon. Mr. Grose.

JS W. 26.9.95 4/10/95

C. 18/9 with slip
19/9 C. 20/9 C. 25/9 C. 2/10

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G.O., No. DATED
189 ,

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Order of Government .. .. .. A A A A A A A

Letter of Governm...

Statement

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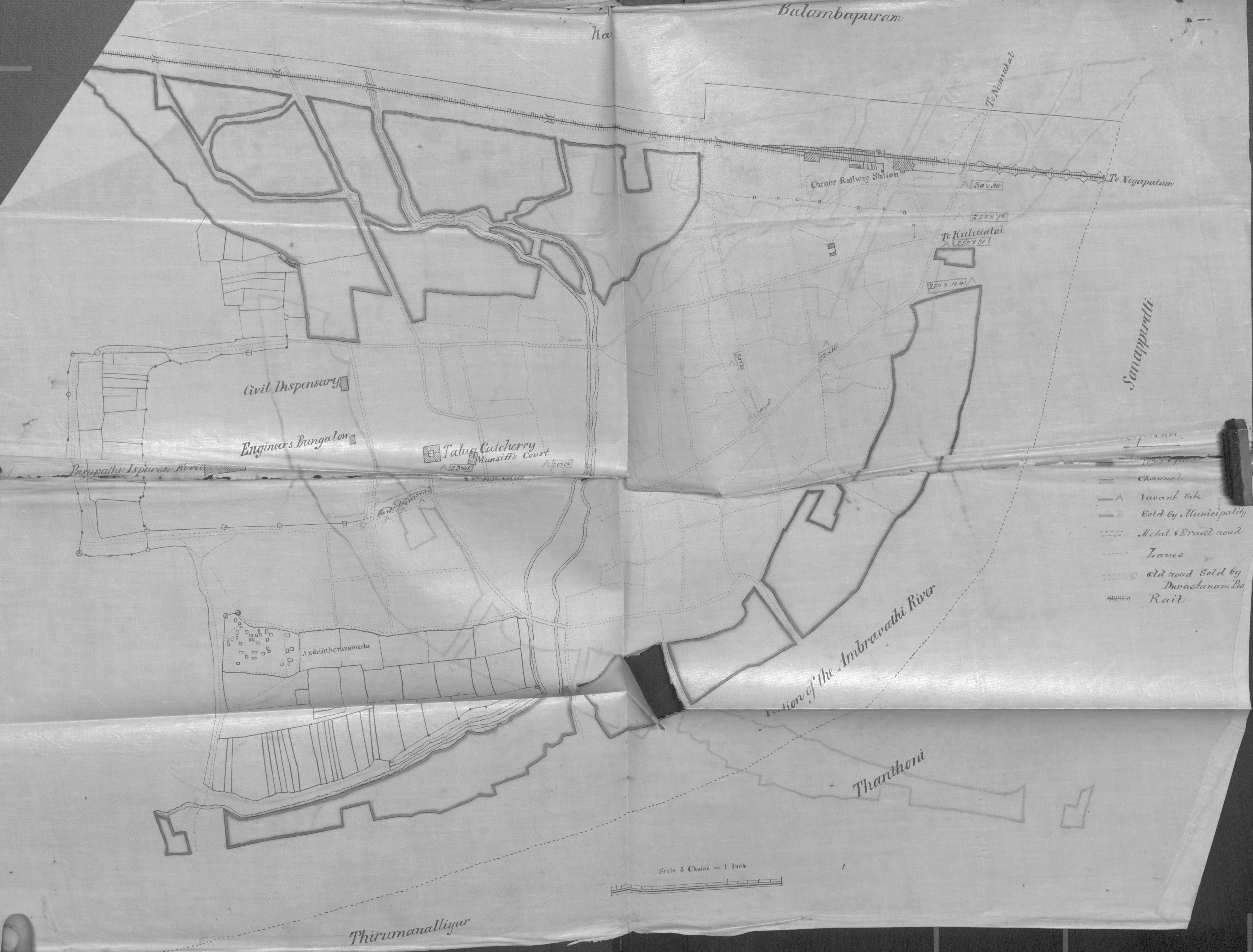
Balambapuram
Ka
To Namakal
Caroor Railway Station
To Negapatam
30 x 30
250 x 76
To Kulittalai
250 x 31
250 x 104
Sanappuritti
30 x 10
33 x 10
10½ x 8
Civil Dispensary
Engineers Bungalow
Taluq Cutcherry
Munsiffs Court
53 x 45
50 x 30
Pasupathi Isparan Kovil
Post Office
60 x 8
58 x 10
143 x 11·6
A
B
C
Andriththeruvumedu
Portion of the Ambravathi River
Thanthoni
Thirumanalliyur
Scale 5 Chains = 1 Inch
Channel
A Vacant site
B Sold by Municipality
Metal & Gravel road
Lanes
C Old road Sold by Davastanam Peo
Rail