

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1821/m

DATED 1st November 1895

[Despatch Abstract.]

Encroachment.

Informing the President, Municipal Commission, Madras; that the order referred to was intended to advise the Local Bodies to remove----before they are barred by prescription, and requesting the Advocate-General to consider the effect of sections 285 and 286 of Act I of 1884 upon the law of limitation in cases of----upon streets, vested in the Municipal Commissioners of Madras.

BACK PAPERS.

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

FURTHER PAPERS.

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

INDEXED.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 1-11-95

No. 1821m.

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[Despatch Abstract.]

In croachments

Informing the Pt. M.L. Commⁿ Madras, that an order, referred to, was intended to advise the Local Bodies to remove — before they are barred by Prescription, & requesting the Advocate General to Consider the effect of secs. 285 & 286 of Act I of 1884, upon the law of limitation in cases of — upon streets, vested in the M.L. Commⁿ of Madras.

READ AGAIN ORDER OF GOVERNMENT, DATED
189 . No . MISCELLANEOUS.

ENCLOSURES.

CURRENT No

STATEMENT WITH DUTTO.

ORDER OF GOVERNMENT

STATEMENT WITH DUTTO.

PAPERS NOT FILED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL (not paged).

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BACK PAPER, No.

OF 119

FURTHER PAPER, No.

Ans 355 2 1/2 of 189

P.W.
1.

P. W. No. 1156

MUNICIPALITY OF MADRAS,
Public Works Department,

Madras, 27 August 1895.
Despatched on 28-8-95.

From

LIEUT.-COL. G. M. J. MOORE, C. I. E.,

President, Municipal Commission.

To

The Chief secretary to government

Fort St. George.

SIR,

Enclosure.

With reference to G.O. No 1307 L. Local and Muni-
-cipal dated 25th July 1895, I have the honor to point out
that under Section 3 N) of Act I of 1884, the custom of al-
-lowing pavements and verandahs on Municipal land is recog-
-nized and for that reason no action has been taken to re-
-move them, and further, many such pavements and verandahs
have from time to time been permitted.

Under Section 285 of the same Act provision is
made to remove any projection, encroachment or obstruction
made before 1878 and from this it would appear that the occu-
-piers could not acquire any prescriptive right to the land.

The further orders of Government are sought on
the following point:-

(1) Whether under these circumstances the projections
should be removed and compensation paid for the
houses under Section 285 which would entail enor-
-mous expase and render the streets most un-
-sightly.

(2) Whether under the circumstances a prescriptive

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Examined by

right to the land has been acquired by the
occupiers or owner of the adjoining house.

I have the honor to be,

Sir,

Your most obedient servant,

Chas. Wilson Lt.-Col.

President, M.M.C.

Chas. Wilson

Local & Municipal Dept.
CURRENT No. 2710 M
1895.

Madras Municipality.

From

The President,

Municipal Commission,

MADRAS.

To

The Chief Secretary
to Government
Fort Saint George.

P. W. No. 1156

Dated 27th
Despd. 28th
Recd. 29 AUG. 95

Enc.

Subject.

Pavements and Verandas of Muni-
cipal Land.

Requesting orders of Government
whether the projections such as
should be removed and compensa-
tion paid under Section 285 and
whether the prescriptive rights the
land has been acquired by the
occupiers or owners.

Requests

Requesting instructions on certain
points in connection with
the Madras Municipality.

1307 & 25-7-95

Again G.O., dated

Current No. 2710. m. of 1895, dated

Current No.

of 189 , dated

189 , No.

27th August from the President, Municipal
Commission, Madras.
from the

FOR ORDERS.

In issuing G.O. No. 1307.

P. Dated 25 July 1895, there was no
intention that all existing projections
in public streets should be removed
wholesale. Local Boards are only required to
take prompt action in cases in which
no prescriptive right has been es-
-tablished against them and in
which the removal of the projec-
-tions is considered desirable. The
President may be informed accordingly.

2. As regards the second
question, attention is invited to the
decision of the Privy Council
in the case of the Madras
Municipality dated 16 March 1895. An
-authorised occupation for more
than twelve years will apparently
create a prescriptive right, as in
the case of streets vested in local
boards, and it is doubtful whether

286.
V.R.
16/10/95
The judgment referred to does not say that the 12 years limitation applies. It quotes the opinion of the Rev. B^d. that it does, but the finding on the 2nd issue seems to have proceeded on the fact that Def^t. who ancestors had been in possession of the ^{plaint} land for 70 years.

1862. Geo. No 1449. July 1895 books
 put up for a Local Fund Council and returned
 from Ortiz only 1000.

Cases in Nader City may be referred to the two species.

Wesley

25/11-1955

28/10/95

Encroachments on streets in the
Madras Municipality.

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189

READ AGAIN G.O., No.
189

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT ... A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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FOR ORDERS.

2710 m

Again go. 1207. L.
25.7.95

Current 2710.

Order No 1821 mms. 1-11-95

The fact will be informed that
the order referred to ^{does} not
require that all existing projections
on the streets of the City should
be removed at once. It was
intended merely to draw the
attention of local boards to the
desirability of removing encroach-
ments which ^{they} ~~were~~ considered ob-
jectionable before prescriptive right
~~could be~~ established against them.

2. With reference to his opinion
printed in G.O. No. 1110. m. Local &
Municipal dated 19th May 1893, that
Local boards ^{could} ~~cannot~~ ^{the Adv. General considered} ~~must~~ an en-
croachment upon streets vested in them
after so much of the usual 12 years'
period as falls within 6 years counted
from the time when a right of action
accrued to Govt. He will be requested
to report upon which sections 285 and
286 of Act I of 1852 have upon the
point of limitation & prescription in
relation to encroachments upon streets in
the Mad. Comm. of Madras under

To Mr. Madras Municipal Comm.
The Hon. Mr. Adv. General with copy of G.O. 1110-L.
19.5.95
Sept. 4/11/95