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

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1828 M

DATED 4th November 1895.

[Despatch Abstract.]

Landing place.

Stating, with remark, that the sanction of Government is not required for the lease of the-----at Kallai in the Calicut Municipality.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
fo	912	L. M.	14.4.97				

List of papers accompanying letter from the Collector of Malabar to the Chief Secretary to Government (Local and Municipal Dept, dated 15th July 1895 regarding the landing place at Kallayi in Calicut.

1. No $\frac{450 P}{Genl}$ of 1891
2 - " $\frac{543 P}{Genl}$ of 1894.
3 Chairman's letter to Collector dated 15th June 1895

Malabar Collector's office
Calicut. July 15. 1895

J. Varadarao.
Asst for Ag Collector

$\frac{?}{2}$

mkr

No 569/1895

Municipal office
Calicut. June 13. 1895.

To

H. Moberly Esquire
Collector of Malabar

Sir,

With reference to your letter dated 5th February 1895, Ref on No 4249/P.94, calling upon me to report what the council has done about the landing place at Kallai and that if it has been granted on rent, the matter should have been reported to Government through you, I have the honor to state that the land has been leased to Mr. Brown for 3 years (Vide this office letter no 1224 dated 28th September 1894)

With reference to your remark that the matter should have been reported to Government through you, I have the honor to state that the land was not transferred by sale, mortgage, exchange or otherwise. "Otherwise", I understood, to mean alienation of a similar nature. The land was only farmed out to Mr Brown, as tolls or markets are farmed out, on a monthly rental of Rs 5 per mensem.

The property in question was vested in the Council not in the same manner as the late Hospital building (the present Travellers' Bunglow building alluded to in your letter embodied in G.O dated 25th October 1894 No 1546 Mr Local and Municipal) or the plot of ground leased out to Messrs T. N. Heerjee & Co, for their garden, were vested. Its Janmam right was purchased by the Council on a payment of Rs 216 (Vide G. O dated 9th april 1894 No 720 M)

The fact that the Council had rented out the piece of land to Mr A. Brown was communicated to you in previous communications (Vide this office letters Nos 1151 dated 7th September 1894 and 1224 dated 28th September 1894.)

The matter was not reported to Government as the sanction of Government was not considered necessary for the leasing of the land to a contractor.

Your letter under reference was disposed of by the Council at its meeting held on the 24th May 1895 and the following resolution was passed.

" The land was purchased by the Municipal Council under the impression that it could be disposed of by the Collector"

I have &c

(Signed) T. Varada Rao
Chairman

(True copy)

T. Varadarao
Asst Coll for Ag Collector

3
2325 M of 95

Ref: on C No. 2198
P. 95.

Malabar Collector's office
Calicut July 15 1895

Loc[illegible]micipal Dept.
CURRENT No. 2325 M

From,

H. Moberly Esquire
Ag Collector of Malabar

To,

The Chief Secretary to Government,
Local and Municipal Dept:,
Madras.

Sir,

At the instance of the Chairman, Municipal Council, Calicut, the Board of Revenue in its Proceedings dated 20th August 1892, No 5177 Mis: sanctioned the sale of a piece of land measuring 0.26 acres for Rs 216 to the Municipality for use as a landing place at Kallâyi. The sale was subject to the payment of an annual quit rent of Rs 2. The land was accordingly made over and a Janmam deed issued to the Municipality.

Go 1360 M
7-10-93.

2. In his letter to Government dated 12th September 1893, No 1937, the Chairman requested the transfer of Rs 283 from the allotment under "New works — buildings" for the purpose of constructing a platform at this landing place; he also requested sanction for the levy of fees on goods landed at, and removed from, this place. Government in its order dated 7 October 1893 No 1360 M

Mis (Local and Municipal) sanctioned the transfer of funds, but observed that sanction was not required for the levy of fees.

3. In August 1894, Mr. Bradley received a petition complaining of the landing place having been leased to one Mr. Brown by the Municipal council. The Chairman, to whom the petition was forwarded, reported on 5th September 1894 that the right to levy certain fees sanctioned by the council and to keep the landing place in order was sold to Mr Brown for Rs 285, that the lessee divided the landing place into two parts — the passengers' landing place and the goods' landing place — that he (lessee) put up a fence dividing these parts and that the chairman had called upon him to remove the fence. I pointed out to the chairman that the council had no authority to levy fees other than those authorized by Act IV of 1884. The council then resolved to set apart a site 30 ft wide and as long as the landing place for the free use of passengers and the free landing and shipping of goods. The rest of the ground was rented out to Mr Brown "under the special circumstances of the case on such terms as the chairman after communication with him may fix". What these circumstances and terms are, is not known.

It was not a fee under Act IV of 1884, that the Council levied at the landing place but a rent for the occupation of municipal land.

4. I informed the chairman that if the land had been granted on rent to Mr. Brown, the matter should have been reported to Government through me – Vide G. O. $\frac{1546 \text{ L\&M}}{25 \cdot 10 \cdot 94}$. A copy of the Chairman's reply dated 13th June 1895 no 569 is enclosed.

This was not reported to Govt at all –

5. The transfer of the land to Mr Brown who, the chairman now says, has been granted a lease for 3 years should, in my opinion, have been made with the sanction of the Governor in Council. Vide G. O dated 20th February 1889 no 210 M. Local and Municipal.

As the land is situated within the Calicut Port limits and consequently belongs to the Port Department, it should not, I think, have been sold to the Municipality. I request the orders of Government in the matter.

6. A file of papers on the subject is enclosed, as per list, for reference and return.

I have the honor to be
Sir
your most obedient Servant.

Ag Collector

Local & Munic.

No. 2325 M

From,

The Collector Malabar

To,

The Chief Secretary to Govt
Local and Municipal Dept
Madras.

Dated July 15. 1895
19 JUL. 95

R O.

Enc 3 Records.

Solicits the orders of Govt regarding the alienation of the landing place at Kallai in Calicut by the Chairman Municipal Council to one Mr. A Brown

(with a ref^ce)

[illegible] 25 10-94
[illegible] 7-10-93
[illegible] 8-93
[illegible] 4-9-93
1813 [illegible] 22-10-91
1063 L 11-5-89
210 L [illegible]

8

Ref^ce. 1112 / 12/8/95

The Collector is requested to ascertain and report the special circumstances under which, and the terms on which, the portion of the landing place other than that specially set apart for the free use of passengers and the free landing and shipping of goods, was rented out by the municipal council to Mr Brown.

14.8.95

Copy & deposit
Keep papers together
9/8

To,

The Collector of Malabar

Ref 12/8/95

23/7 a/29/7

Municipal office
Calicut. 8^th October 1895.

No. 929 / 1895

From

T. Varada Rao Esquire S.C.S.
Chairman, Municipal Council
Calicut.

To

J. Hewetson Esquire,
Collector of Malabar.

Sir,

With reference to your endorsement Ref on C No. 2981 / P. 95 forwarding Memorandum dated 12^th August 1895 from Government Calling upon me to report the Special Circumstances under which and the Terms on which the portion of the landing place other than that Specially Set apart for the free use of passengers and the free landing and Shipping of Goods was rented out by the Municipal Council to Mr. Brown I have the honour to State below the Circumstances that induced the Council to rent a part of the landing place to Mr. Brown.

1 An application was made by Mr. A Brown on the 19^th April 1894 to lease the landing place to him. The paper being placed before the Council on the 21^st April 1894, it resolved to let out on Contract the landing place Levying the

the following fees.

"1 pie per head load. to be removed at once.
3 pies a Cart load - to be removed within 3 hours.
6 pies a boat load — do —.
6 pies per log per diem — No log will be allowed to lie after 3 days. After three days, the fee will be 4 as per log per diem. After a week, the log will be Sold at the risk of the owner".

The Contract was given to Mr. A Brown at a rental of Rs 285 per annum the Council permitting him to Collect fees at the above rates. The landing place was handed over to him on the 16th May 1894. The fees Collected by Mr. Brown from that date amounted to only 1 anna; the reason being that there are numerous other landing places belonging to private parties along the river Side. This was one of the reasons that induced the Council to rent the portion of the landing place to Mr. Brown.

2ndly Two Substantial Sheds Covered with tiles were put up by Mr. Brown on this ground. They were intended for the protection from Sun and rain of goods landed pending removal. The Sheds put up may be valued at Rs 300; besides this a Sum of Rs 95-11-10 was spent by him in dividing the landing place in two Sections, one for passengers and the other for goods, the latter being fenced round with a Strong bamboo fence and a gate is provided. If the landing place were taken away from Mr. Brown, the Council may have had to pay the lessee the value of the improvements he had made on the place. It was also pointed out by the Collector that the Municipality had no right to levy fees as landing charges. It can hardly be expected therefore that the place would if resold obtain more than a petty occupation rent.

not made with the Council's Consent [illegible] the Council.

As Stated above, the landing place was rented at Rs 285 per annum on Condition that the renter Could Collect fees. The Collector having pointed out the want of authority to the levy of fees according to the Councils resolution dated 21st April 1894, the Council resolved to set apart a Site 30 ft wide and as long as the landing place for the free use of passengers and the free landing and Shipping of goods. The rest of the Ground, it was decided on the 29th October 1894 to rent to Mr. Brown, under the Special Circumstances Stated above on a Monthly rental of Rs 5 per mensem as per resolution noted below.

"Proposed by M R R P. Krishna Menon Avergal that the landing place shall be let to Mr. A Brown for 3 years at a Monthly rental of Rs 5 on Condition that.

that he shall after that period vacate the holding on one month's notice being given to him without claiming compensation for any building or any other improvement that he may have erected thereon. The lessee shall be at liberty to remove such building or improvement.

Carried by majority"

I have &c

(Sd) T. Varada Rao
Chairman

True Copy

No. 1832
Pub.

Local & Municipal Dept.
CURRENT No. 3133 M

Forwarded to the Chief Secretary to Government, Local and Municipal Department, with reference to Memorandum dated 12th August 1895 No. 1112.

Malabar Collector's office
Calicut 14 october 1895.

Acting Collector.

Me
14.10

When given for copying
When c
When examined
When

Local & ...icipal Dep.
CURR... No. 3133 M

From

The Collector of Malabar.

To

The Chief Secretary to Govt
Local & Mcpl Depth

Dated 14-10-95

16 OCT 95

Subject

Kallai landing place

Forwarding copy of report of the Municipal Chairman Calicut on the ——

Nos 2325 + 3133 M

Order No. 1828 Muns. 4-11-95.

The sanction of Government is not required for the lease of the land referred to.

2. The question raised in the latter portion of para 5 of the Collector's first letter read above, will be considered in the Marine Department.

W. 29/10/95

2/11/95

Note

Please see the notes in G.O. No 210 M dated 20th February 1889 & G.O. No 1813 M dated 22nd October 1895 also the [illegible] notes in G.O. No 1957 dated 10th December [illegible]

This note, I now think, was wrong. Alienation & transfer are not, probably, distinct in meaning. Requiring sanction to all temporary leases would increase work considerably.

W. 29/10/95

Dy/S 7/11/95

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.