

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 2055-h

DATED 7th December 1895.

[Despatch Abstract.]

Land.

Directing the Collector of Madras, with remark, to acquire a certain piece of-----under Act I of 1894 required by the municipality for providing huts for scavengers.

BACK PAPERS.

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

FURTHER PAPERS.

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

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INDEXED.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 7-12-95

No.

2055 m

When given for copying.

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READ AGAIN ORDER OF GOVERNMENT
1891 No. 189

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ENCLOSURES

CURRENT No

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

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P. W. No. 1811

MUNICIPALITY OF MADRAS,

Public Works Department,

Madras, 11th November 1895.

From

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

President, Municipal Commission.

To

The Chief Secretary to Government,

Fort St. George.

SIR,

Enclosure.

In forwarding the accompanying copy of letter No 1342 dated 18th May 1895 from the Ag. Collector of Madras, I have the honor to solicit a definite ruling as to whether, in view of G.O. dated 18th June 1891 No 14681, all lands required by the Municipality for public purposes should not be acquired through the Collector of Madras, even if the owners are willing to sell privately.

The Ag. Collector states that under Section 443 of Act I of 1884 unless there is some hindrance to the acquisition his intervention should not be sought.

In the case in point there is a hindrance, as although the owners agreed to sell the land so far back as January last, I have been unable to obtain possession owing to the want of a valid title.

With regard to the Ag. Collector's contention that the land is not required for a public purpose under the provisions of Act X it is true that another site which I contemplated acquiring for this purpose was refused by Government in G.O. Local & Municipal No 24 M. Mis dated 10th January 1894 and I would now beg for a reconsideration of that order.

The

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From

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President, Municipal Commission.

To

The Chief Secretary to Government,

Fort St. George.

SIR,

Enclosure.

In forwarding the accompanying copy of letter No 1342 dated 18th May 1895 from the Ag. Collector of Madras, I have the honor to solicit a definite ruling as to whether, in view of G.O. dated 18th June 1891 No 1468L, all lands required by the Municipality for public purposes should not be acquired through the Collector of Madras, even if the owners are willing to sell privately.

The Ag. Collector states that under Section 443 of Act I of 1884 unless there is some hindrance to the acquisition his intervention should not be sought.

In the case in point there is a hindrance, as although the owners agreed to sell the land so far back as January last, I have been unable to obtain possession owing to the want of a valid title.

With regard to the Ag. Collector's contention that the land is not required for a public purpose under the provisions of Act X it is true that another site which I contemplated acquiring for this purpose was refused by Government in G.O. Local & Municipal No 24 M. Mis dated 10th January 1894 and I would now beg for a reconsideration of that order.

Yours

The

The facts of the case are set forward in the correspondence which led to G.O. No 24 and also in the accompanying copy of the Ag. Collector's letter.

It appears to me that this purpose does fall within Section 33 (b)(4) as unless this site-or in fact any site-is provided for these chucklers the extension of the Burial Ground cannot be carried out. The provision of this site provides for the provision of a Burial Ground.

But if I am wrong and it does not fall within Section 33 (b)(4) surely it does within Section 33(e).

These chucklers are employed by the Municipality and it is to the public safety, health and convenience that they should be provided with a suitable site for their huts, in order that the conservancy may be properly carried out.

I would go further and contend that all lands paid for by the Municipality are for public purposes under Section 33 (e) and as such should be acquired by the Collector even if the owners are willing to sell privately to the Municipality.

I have the honor to be,

Sir,

Your most obedient servant,

C. Moore

Lt.-Col.

President, M.M.C.

No 1342.

Madras Collectorate,

18th May 1895.

From

W. J. H. Lefanu Esq.

Ag. Collector of Madras,

TO

The President, Municipal Commission,

Madras.

Sir,

In reply to your No 210 of the 24th Ultimo, the enclosures to which are returned, I presume that the purpose for which the land in question is needed is the same as, or similar to, that specified in your No II68 dated ^{the} 10th November 1893. If this presumption is correct, I would invite your attention to G.O. Local and Municipal No 24 M. Miscellaneous dated the 10th January 1894, wherein the Government declined to permit the acquisition under the Land Acquisition Act, of the land involved in that case, on the ground that the purpose for which it was acquired by the Municipality was not a Municipal purpose under the Act. The location of scavengers for which you say the land in the present case is required is not one of the Municipal purposes detailed in Section 33 of the Municipal Act, nor does it appear, that the land is needed for the construction of any work of the kind referred to, in section 40 of the Land Acquisition Act I of 1894. I believe, that you require the land in question for the purpose of locating scavengers who now occupy land which it is in contemplation to convert into a burial ground. Any land required directly for the purposes of a burial ground, can no doubt be treated as required for a Municipal or public purpose, so as to justify its acquisition under the Land Acquisition Act, but the application of its provisions for acquiring any other land not wanted for the direct purpose of a burial ground, but only to make room for the scavengers occupying the land required for a burial ground, seems to me an undue stretching of the scope

Local & Municipal Dept
CURRENT No. 3529 M

1895.

Madras Municipality.

From

The President,

Municipal Commission,

MADRAS.

To

The Chief Secretary
to Government
Fort Saint George

P. W. No. 1811

Dated 11th

Despd. 12th

Recd.

November 1895

CHIEF SECRETARY
GOVERNMENT OF MADRAS
12 NOV. 1895

Requesting to reconsider the
order passed on G.O. Local &
Municipal No. 24 M. No. dated
10-1-94 and to pass order that
all lands required for public
purposes should be acquired
by the Collector even if the
owners are willing to sell privately.

For order

24 Feb 10 1894
14682 1895

For order.

Please see the notes in
in G.O. No. 24 M. No. 10-1-94 in
which the question raised has
been already decided, and which
the President now requests to be
reconsidered. If the purpose for
which the land is required is held
to be a public one, the land should
be acquired under the Land Acqui-
sition Act as required in G.O.
No. 408 Res. 276 May 1894, Communi-
cated with G.O. No. 14682
28.6.91, even if the owners are
willing to sell them privately.

V.P.
25/11/95

WSD
27/11/95
There is no doubt that
if this land is to be
acquired for a public purpose
it must be taken up under the
Act. The President seems to
show cause for reconsideration
of the former order (that on
Jan 15. 1894) if he bundles
the shareholders out and
does not find for them and then
vesting place the Municipality
will have trouble and the
public health & safety may
thence be seriously endangered.

It seems to me
that the former order 22/11/95
is in fact right. In fact, the fact that

LOCAL AND MUNICIPAL DEPARTMENT.

189 , No.

Again G.O., dated

Current No.

Current No.

of 189 , dated

of 189 , dated

from the

from the

FOR ORDERS.

Order No 2055 mins. 7-12-95

The Govt sees no reason to
reconsider its previous order
G.O. No 24 M. No. 10-1-94, but, as in the
present case there appears to
be such a hindrance to the
acquisition of the land, as is
contemplated by sec. 443 of Act I
of 1884, the land will be requested
to acquire the land under the Land
Acquisition Act of 1854 according
to the provisions of that section.

(from order)

28/12/95

WSD

5/12/95

To, The President. M.C. Madras,
The Collector of Madras.

Signed 9/12/95

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189 .

From
FOR ORDERS.

READ AGAIN G.O., No.
189 ,

DATED

3529 h -

CURRENT No.

C.S.

2055 h

ENCLOSURES TO O. No.

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LETTER OF GOVERNMENT.

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