5.12.08 ✓
6-10-17 ✓

L. & M.
8-6-96.

cal & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 913M

DATED 30th May 1895.

[Despatch Abstract.]

Petition.

Stating that the Government cannot interfere on behalf of Narayanaswami Pillai of Mannargudi in the matter of his request regarding certain auction sales.

BACK PAPERS.

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

FURTHER PAPERS.

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

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[7]

INDEXED.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 30-5-95

No. 913 M

When given for copying.

[Despatch Abstract.]

Petition

Stating that the Govt. cannot interfere on behalf of Narayanaswami Pillai of Mannargudi in ~~the matter~~ of his request regarding certain auction sales.

BACK PAPER, No. of 189

FURTHER PAPER, No of 189

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

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

Copied by

Examined by

Petition, protesting against a resoln. of
the Mannargudi Munl. Commrs. prohibiting
petr: from bidding at certain auction sales

Cl.
Misc:

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.
C: No. 1069. M. of 95. dated 19th March 1895, from V. Narayanaswami Pillai, Mannargudi
C: No. 1330. M. of 95. dated 10th April 1895. from the Chairman, M.C. — Do —
Current Nos. 1593 M. of 1895, dated 7th May 1895 from the —— Do ——
—— 1609 M. of 1895 —— 15th —— from V. Narayanaswami Pillai Mannargudi

Order. G.O. 30-5-95 No. 913 M.

The Government ~~see~~ ~~no reason to~~ cannot interfere on behalf of the petitioner.

S.R. 20/5/95 C.G.T. 23-V.

27/5/95.

Note.

Though there do not seem to be sufficient grounds for interference in this instance the judgment and the report of the Chairman to the Deputy Collector enclosed show that the petitioner has some cause for complaint, but if Council treat other contractors as they have treated him it is not to be wondered at that they have to take the tolls under [illegible] for want of sufficient bids.

C.G.T. 23-V.

This looks like a piece of [illegible] spite but Govt. cannot interfere. It's quite within the competence of the Council to refuse to allow any one to bid for their rents whom it [illegible] thinking that they [illegible] to accept these. With the rights or wrongs of the case Govt. has nothing to do. 27/5

To The Petitioner Do
a Chairman, M.C. Mannargudi Do
thro' the Collr. of Tanjore.

desp. 5/6.

Local & Municipal Dept.
M. CURRENT No. 1609 M

Petition

From

V. Narayanaswami Pillai
Contractor Mannargudi

No.

Dated 7-5-95.

Received 15-5-95.

Enclosures

SUBJECT.

Praying that under the circumstances stated the resolution of the Municipal Council Mannargudi declining to allow the petitioner to bid in the auction sale of tolls &c may be cancelled and the Chairman may be ordered to have a fresh auction for tolls &c.

21/5 arr/5

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

C: No 1069. M. of 95. dated 19th March 1895, from V. Narayanaswami Pillai, Mannargudi
C: No 1330. M. of 95. dated 10th April 1895. from the Chairman, M.C. – Do –

Current Nos 1593 M of 1895, dated 7th May 1895 from the — Do —
— 1609 M of 1895 — 15th — from V. Narayanaswami Pillai Mannargudi

Order. G.O. 30-5-95 No 918 Muni

The Government ~~sees~~ ~~no reason to~~ cannot interfere on behalf of the petitioner.

I.R. 20/5/95
Cgt 23-V.

27/5/95.

Note.

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This looks like a piece of personal spite but Govt. cannot interfere It is quite within the competence of the Council to refuse to allow any one to bid for their rents whose is [illegible] praying that they refuse to accept them. With the rights or wrongs of the case Govt has nothing to do [illegible] 27/5

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a Chairman, M.C. Mannargudi Do
thro' the Coll. of Tanjore.

desp 5/6.

Local & Municipal Dept.
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21/5 arr/5

4th/ As a matter of fact petitioner's connection with the Council during the past years in similar contracts has been advantageous to the Council both in the amount fetched as well as in the manner of performance of his part of the contract. This circumstance though adverted to in his application, has not been considered by the Collector.

The latter part of the Collector's order is as impossible to satisfy and on its face meaningless. Any loss could be shown under such circumstances only by a reference to the figures of the previous years and petitioner not having been allowed to bid it is useless for him prospectively to state up to what amount he was prepared to bid, for there is nothing to test its truth but his own assertion about it.

Under these circumstances the petitioner begs to request that you will please cancel the resolution and order the Chairman to have a fresh auction for tolls, vegetable market &c.

Mannargudi
7th May 95

I beg to remain
Sir
Your most obt Servant
Narayanaswamy Pillay

Local & Municipal Dept.
CURRENT No. 1609 M

From

V. Narayanasami Pillai
Contractor
Chetty Street Mannargudi
Tanjore District

To

The Chief Secretary to the
Government of Madras

Petitioner's application dated 15th March 95 to the Collector under sec 35 of the Municipal Act to cancel the resolution of the Council declining to allow him to bid in the auction sale of tolls &c as being in excess of their powers resulted in his order $\frac{\text{No 70 Mb}}{\text{20.4.95}}$ which recites that the Council have full discretion in the matter of whome they deal with and that petitioner not having shown that public interest has suffered by his exclusion, he has no need to interfere.

This order seems to vest the Council with a discretion not contained in any of the provisions governing the Constitution granting that there is that discretion the Collector has failed to see that the resolution assignes no reason for a discretion against the petitioner

---

G.O. 1327 M. of 96

Endt No 362 of 1895
Local & Municipal Dept.
CURRENT No. 1593 M

The Chairman
Municipal Council
Mannargudi

To

The Chief Secretary
to Government

Dated 7
Desptd Do } May 1895
Rd 14 MAY. 95

No 68

Enclos. 3. C. No 1069 & 1330 M of 95

Submitting Report through the Collector of Tanjore.

Endt Concurr No $\frac{362}{2t}$ of 1895

Gm 6

Forwarded.

2. The Government Petitioner, Narayanasami Pillai, submitted a petition in the same terms, also to the Collector and Mr Thomson on receiving a report from the Chairman, dismissed the petition. A copy of the order passed by him is enclosed.

Rowangalen
Ag Sub Collector in charge
11/5

Rd
10/5

Tanjore Collector's office
Tanjore 13th May 1895.

16/5

Municipal Office
Mannargudy.
Dated 7th May 1895

No.

Current No. 362 of 1895

From

The Chairman
Municipal Council
Mannargudy.

To

The Chief Secretary to Govt.
Through the Collector of
Tanjore.

Sir.

With reference to your Endorsement No 566 dated 29th April 1895 I have the honor to submit my report through the Collector of Tanjore.

I have the honor to be
Sir
Your most obedient servant

Chairman

No 70
M.

Endorsement on the petition presented by Narayanasami Pillai Contractor, chetty Street, Mannargudi bringing to notice the refusal of the Council to allow him to bid in the auction sale of tolls etc and requesting to cancel the Resolution of the council

—

The Council have full discretion in the matter of whom they deal with and as petitioner cannot show that the public interest has suffered by his exclusion, I have no room to interfere

Tanjore Collector's Office }
Vallam. 20th April 1895 }

(Signed) J. Thomson
Acting Collector

(True Copy)

S.R. For Acting Sub Collector in charge

Local [illegible] Municipal Dept.
CURR No. 1330/M
P.R.

Wks
1595

From

The Chairman
Municipal Council
Mannargudy

16 APR. 1895

To

The Chief Secretary
to the Government of
Madras

No
dated 10th April }
Despatched 13th Do } 1895
Received }

No 26
Enclosure 32 & CNo 1069 M returned

Subject

Reporting as to the allegations made by one Narayanaswamy Pillai with reference to the refusal of the council to allow him to bid.

No. 566

Returned to the Chairman, Municipal Council, Mannargudi for submission through the Collector, as directed in Government Endorsement, dated 29th March 1895. No. 497.

(By order)

C. Todhunter
Ag. Assistant Secretary

V.R.
24/4/95

Fort St. George }
29th April 1895 }

To The Chairman, M. C. Mannargudi.

(with Endorsement) 24/4. [illegible]

of work, I believe, had to adjourn the ~~matter~~ market estimate from time to time.

9. A Copy of the resolution of the Council disallowing the petitioner from bidding is enclosed for information.

Returned to the President, Municipal Council, Mayavaram for submission through the Collector, as directed in [illegible] dated 27 [illegible] 1893, No. 471

I have the honor to be
Sir
Your most obedient Servant

Chairman.

D.R. For taking on concern... 13.5.55

---

in such cases is whether the Council did intentionally bring about such a low price by its own action on some illegal consideration. In the present case the difference is 10 Rs against Rs 20 in the previous year and this in my humble opinion does not convey that the income was sacrificed or afford the least room to attribute any bad motive to the Council

6. As to tolls I beg to state that after the opening of the Mayavaram Muthupet Railway they say that the traffic has been affected here a good deal and persons hesitate to bid higher considering that most of the goods traffic ~~was~~ from Muthupet, Athirampatnam Pattucottah and other surrounding places, are carried on by the train; it was therefore thought desirable to manage the tolls departmentally rather than being allowed to be knocked down for Rs 8640-0-0. There are some other trivial and false allegations in the petition which I think it unnecessary to meet.

7. As far as I am aware ~~that~~ there is no rule that there should be a proposer and a seconder and that without which the proposal should fall to the ground.

8. As to the suit referred to in the petition I simply beg to draw your attention to a letter written by me to the Divisional Officer (Vide copy thereof enclosed). The Council out of pressure of

of work, I believe, had to adjourn the weekly market estimate from time to time.

9. A Copy of the resolution of the Council disallowing the petitioner from bidding is enclosed for information.

I have the honor to be
Sir
Your Most obedient Servant
Madhavan
Chairman.

S.R. For Acting [illegible]
13. 5. 55

Municipal office
Mannargudy d/10 April 1895

Local & Municipal Dept.
CURRENT No. 1330 M

From.

M. R. Ry. M. R. Sreenivasa Row.
Chairman Municipal Council
Mannargudi.

To.

The Chief Secretary
to the Government of Madras
Thro: the Collector of Tanjore.

Sir.

With reference to your endorsement No. 497 of 29th March 1895 (herewith returned) I have the honour to report as follows:— It is a fact that the petitioner Narayana Sawmi pillai appeared before the Council to bid. I brought to the notice of the Council that a Suit between him and the Council was still pending and thereupon the Council resolved that he should not be allowed to bid.

2. I may here observe that the Council has reserved to itself the right of Confirming the Sale or not to a person though he might have bid higher than all the rest. Granting for argument's sake that he ought to have been allowed opportunity to bid still the Council can as well reject his bid without assigning any reason therefor under the

above.

above right and need not confirm the sale in his favor. Hence it will be seen that it was entirely in the discretion of the Council whether to give or not to give

3. The Council was sued by the petitioner and still the suit stands before the Court for disposal. I therefore beg to suggest whether it would not be inadvisible for the Council to allow the petitioner to bid so as to involve itself into litigation again. If animus there was between the Chairman personally and himself, it had nothing to do with the Council and his duty was to have sued the Chairman in his private capacity. In my humble opinion it is not at all to the interests of the Council to allow a person at war with it to have anything to do with it.

4. There is no provision in the Municipal Act which compels the Council to let Tolls, weekly market, &c in auction. It is entirely optional and the Council rather ease itself of the work which will otherwise devolve upon it, sell the same in public auction. In fact the action of the Council amounts to leasing out its property and it will be unwise for it to lease it out to its enemy. No doubt it is the bounden duty of the Council to see that its interest is protected and the highest amount of benefit is derived from its properties but at the same time it also becomes necessary for the Council to use a

Sound

sound discretion in the way of securing such interest. Therefore I think that it does not lie with one who is already inimical terms with the Council to say or to claim as a matter of right that the Council's property should be leased to him or that he should be allowed an opportunity to compete for. From the foregoing it will be seen that the Council's action was entirely within its own powers.

5. As to the allegation that the income of the Municipality was sacrificed, I beg to submit that the weekly market was sold for Rs 520-"-" in 1893-94 for Rs 500-"-" in 1894-95. and for Rs 490-"-" in 1895-96. The petitioner admits that he was present and allowed to bid in 1894-95. If so, it is not clear why he did not bid for Rs 520-"-" in 1894-95 and what prevented him from bidding so; and he has not explained his omission to bid for more in that year. If really he was a person more interested in the cause of the institution and if really the interest of the Council was sacrificed in 1895-96, I am at a loss to comprehend how such a well-wisher of the Council chose to remain quiet and see the income of the Council going down in 1894-95. It is a fact quite obvious that in sales at times properties happen to be knocked down to a small amount. All that has to be seen

in

of work, I believe, had to advance th

8

in such cases is whether the Council did intentionally bring about such a low price by its own action on some illegal consideration. In the present case the difference is 10 Rs against Rs 20 in the previous year and this in my humble opinion does not convey that the income was sacrificed or afford the least room to attribute any bad motive to the Council

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8. As to the suit referred to in the petition I simply beg to draw your attention to a letter written by me to the Divisional Officer (Vide copy thereof enclosed). The Council out of pressure

of.

2/1330 M 9/75

of work I believe had t

Extract from the Proceedings of the Municipal Council Mannargudy d/ 16th March 1895

Present.

Mssrs. M.R. Streenivasa Row avergal. Chairman.

Syed A.Khadir Padshah Sahib Ex Officio Councillor.

Mssrs. T. Srirangam Iyengar avl. ____ " ____
__ " __ K.C.S. Streenivasa Moodr. avl. __ " ____
__ " __ Venkagiri Chettiyar avergal __ " ____
__ " __ Govinda Pillai ____ " ____ " ____
__ " __ Appauda Moodr. ____ " __ " ____
__ " __ Vaithiyanatha Pillai avl. ____ " ____
__ " __ Arumugam Pillai __ " __ " ____
__ " __ K. Rajappier ____ " ____ " ____

× × × × × × × × × × ×

Bidders for Slaughter house

× × × × × × × × ×

Resolved by Majority that Mr Narayanasawmi pillai Should not be allowed to bid as Suit is pending against the Council.

× × × × × × × × ×

Signed. M.R. Streenivasa Row.
Chairman.

True Extract

M.R.Streenivasa

Chairman.

1/ 1930 hd/4/95

Extract from the Proceedings of the Municipal Council Mannargudy d/. 16th March 1895

Present.

M.R.Ry. M.R. Sreenivasa Row avergal.
Chairman.

Syed S. Khadir Padshah Sahib Ex Officio
Councillor.

M.R.Ry. T. Srirangam Iyengar avl. — " —
— " — K. G. Sreenivasa Moodr. avl. — " —
— " — Vinnagiri Chettiyar avergal — " —
— " — Govinda Pillai — " — " —
— " — Appanda Moodr. — " — " —
— " — Vaithiyanatha Pillai avl. — " —
— " — Arumugam Pillai — " — " —
— " — K. Rajappier. — " — " —

× × × × × × × × × × ×

Bidders for Slaughter house

× × × × × × × × ×

Resolved by Majority that Mr Narayanasawmi pillai should not be allowed to bid as suit is pending against the Council.

× × × × × × × × × ×

Signed. M.R. Sreenivasa Row.
Chairman.

True Extract

M.R.Sreenivasa
Chairman.

To.

No. 389/21.9.93

Deputy Collector
Mannargudy

Sir

With reference to your Endorsement No. 1063/16.8.93 on the letter of Narayanasawmi Pillai Toll Contractor, I have the honor to state as follows. That out of his Nos 4. 7. 14. 15. 21. 29. 5. 9. 12. 19. 25. 27. 22. Nos 29. 5. 9. 12. 19 have been already replied. Out of the remaining Nos 4. 7. 15 relate to weekly Market 14 and 21 are reminders. As to weekly Market Municipal Overseer was directed to submit an Estimate on 21.6.93. it was received on the 10.7.93. and ordered to be placed before the Council for their sanction and it was placed on the 7.8.93. The Council on that day did not sanction but adjourned it. It was again placed before the Council on the 12th August 1893 and the Council again adjourned it. Again for 3rd time it was placed before the Council on the 2nd September but the Council again adjourned it & it will be placed again in the next meeting.

Nos 22 & 25 relate to Collection of interest in the toll Kist. Toll Contractor reported that he (toll Contractor) brought the Kist in time but was refused and the Shroff reported that he did not and

from

from an Enquiry I found that there was no blame on the part of the Office Establishment and ordered the Contractor to pay interest agreeably to the terms of the agreement. 27 relates to furnishing Copy of a certain G. O. I think he is not entitled to Copy without paying for it as any other individual but he was allowed to look into the G. O. for information. I remember having passed orders on 22 & 25 but no written order is forth Coming it was mis-laid Some where. I have taken Statements from the office establishment on the Subject and the amount has been Collected with interest.

From the above it will be Seen that as regards weekly Market all that I Could do in the matter have been done and have brought the estimate before the Council three.

No. 7 As to the matter of toll gates referred to therein all the papers Connected with and his notice was placed before the Council and they have rejected. The Council have asked further Mr. Rajappier to report on the Subject. With respect to other matters they have been disposed of. I believe that my Collecting

Collecting interest in the matter of toll List, made him Complain against me which I Could not avoid. I have ordered a Copy of this letter to be Sent to the Contractor.

Signed. M. R. Sreenivasa Rao
Chairman

True Copy

Chairman.

resolution. If I was allowed, the bid would
be higher and [illegible]

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

Local & Municipal Dept.
R. CURRENT No. 1069 M

From

V. Narayanaswami Pillai
Contractor, Mannargudi

No.

Dated 19-3-95

Received 23-3-95

Enclosures

SUBJECT.

Praying that, under the circumstances stated, resolution of the Mannargudi Municipal Council disallowing petitioner to bid in certain public auction may be cancelled.

(with endorsement) [illegible] 13.

1327 M 25-9-94

M.S.
1 4 95

No. 497

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

(By order)

W. Francis

Ag. Assistant Secretary

V.R.
29/3/95

Fort St. George
29th March 95

To
The Chairman, Municipal Council,
Mannargudi.

[illegible] unjust & unconstitutional resolution. If I was allowed the bid would be heigher and keen. The income of the Municipality was sacrificed to satisfy personal malice and back door influence.

In 93-94 I had taken the toll contract of this Municipality for Rs 10010 and weekly arket Contract for 520Rs But this year ey were not able to get 490 Rs for weekly arket which they have left on contract and 8460 Rs for tolls which they have placed nder amaney as there was no bid beyond that

In 94-95 I was allowed to bid and went far as to bid 9900 Rs and the highest bid was nly 9910. when I stood in the same position as I now stand to the Council (i.e.) as plaintiff and defendant.

Under these circumstances I beg to request hat your honor will take all these facts into consideration in the interest of public fund and Cancel the uncalled for unjust and unconstitutional resolution prompted by malicious motives under Sec 35 of the district municipality Act.

I beg to remain
Sir
Your most obt servant

Narayana Samy Pillay

CHIEF SECRETARY
22 MAR 1895
GOVERNMENT OF MADRAS

to [illegible]

the Divisional officer said [illegible] I could
be allowed to bid for any of them.

[illegible] connection I may be allowed to

Chetty street mannarg[illegible] the

Tanjore district 1892

Con-

of

To

The Chief Se[illegible] ing [illegible] to the
was be[illegible]
Government [illegible] I was
county

Sir

I beg to bring the follow[illegible] and by
to your kind consideration and fair market
judge
orders

A Municipal meeting [illegible] which
morning the 16th Instant to let out, or beyond
the farming of tolls, collection of [illegible]
weekly, vegetable and mutton mar[illegible] would
house and fish stalls, and to [illegible] was profuse
for the supply of kerosine oil belonging to
the municipal
I was one of the bidders [illegible] to put
of the public auctions men[illegible] in to hum
the bidders were called in to [illegible] of entreat
market. I also entered into [illegible] issued
Then to the great surprise of [illegible] had no other
induced and instigated the [illegible] to induce
move a proposition to the
not be allowed to bid, for [illegible] called for
[illegible] support given by the

---

fences and the old shed himself
in time and that would not have
cost more than Rs 26—5—0 which
is the amount the Municipality
spent when it was too late
for the Plaintiff's purposes. If
the Plaintiff had spent it himself
in the first instance, the Municipality
would have been bound to
reimburse him.

14 I therefore think that while
on the one hand Rs 25- is not more
than the damage sustained
by the Plaintiff, the Plaintiff
should not be allowed more
than that amount.

15— I accordingly direct that the
Defendant do pay Plaintiff
Rs 26-0-0. As the Defendant has
been very remiss and has raised
unjustifiable pleas, I direct that
defendant do pay the costs of the
Plaintiff with Pleaders' fee Rs 10.

(Signed) A. Kristna Rao.
ag. Subordinate Judge.

(True copy).

throws all the blame upon the Municipal Council who are stated to have adjourned the consideration of the case from time to time.

7- The repairs necessary were at last effected after the preparation of the estimate only in February March 1894 when it is admitted by the Defendants' Pleader that the following expenses were incurred.

Repair of fences — Rs 20-0-0
Repair of the old big shed — Rs 6-5-0
Construction of 2 new sheds Rs 133-11-0

8. I think therefore that the fences and the old big shed were out of repair during the year of the Plaintiff's farm and that he was consequently unable to realize the full amount that he would otherwise

On report F, the Defendant passed an order on the 24° June for the preparation of an estimate by the overseer and even this was about ten days after the Plaintiff had threatened the Defendant by Exhibit H that the Municipality would be held responsible for the losses. But nothing apparently was done for a long time to put the fence &c in repair, for Exhibit A, a Municipal Councillor's report dated the 19° July 1893 shows that the fences had disappeared in many places so as to present an appearance of an open way &c. In despair the Plaintiffs appealed to the Divisional officer who called upon the Defendant for an explanation. The Defendant submitted to the Divisional Officer a report Exhibit B, which far from denying that that Plaintiff's complaint was well founded.

for the Plaintiff sent further complaints on the 12th April, 8th May, 19th May 14th June and 21st July 1893 (Exhibits C, D, E, F1, G, & H). On the report E of the 19th May, the Defendant passed the following order: Manager—why were these reports referred to in this report as well as in two others either (sic) brought to my notice or orders taken thereon? Who is responsible for this? The Manager thereupon wrote the following remark. "Clerk Sreenivasa Iyer states that he took the papers to you on several occasions and that he was directed to keep them on your table at home and on some." Here the sentence ends and the whole remark was eventually struck off and in place of it, the following was written. "Clerk Sreenivasa Iyer is responsible for the delay."

Plaintiff by reason of some proceeding in the Munsiff's Court and is contradicted by his own report A which is also, I think, sufficient to outweigh the evidence of witnesses late Councillor Rangaya Chetti and of the Municipal Servants Muthusami Nayakan and Ramachandram Pillai. The Defendant himself has not definitely pleaded in his written statement that fences &c were always in repair and this is significant, since he ought to know what a written statement should contain, he being a 2nd Grade Pleader. The Plaintiff complained about a fortnight before the term of his farm commenced, that the market premises required repairs and some repairs were made and paid for on or about the 30th March 1893 (See Exhibit IV). But they were evidently insufficient;

Complaint of the Plaintiff, Councillor witness Ponnusami Mudali reported that it was necessary (See Exhibit A). Late Councillor witness Vencataramair is of the same opinion and the defendant himself far from ignoring the justice of the Plaintiff's complaint called for an estimate and got the repairs of the fence &c done though rather late in the year. (See Exhibit B & F)

5 - For much the same reason, it appears to me that the keeping in repair of the old shed in which articles were to be exposed for sale and which had admittedly collapsed on one side of it, was also a necessary duty on the part of the Municipal Council.

6. Issue II. The defendant has not succeeded in proving that the fences and shed were kept in repair. Of his witnesses, Councillor Ponnusami Mudali is now not well disposed towards the ame collection.

market premises which are said to be 2 or 3 acres in extent, are kept properly fenced all round and a gateway provided through which alone cattle and things brought for sale could be allowed to get in and go out, the Municipality cannot recover anything like the full fees that are due to them even if the Municipal Servants retained the function of making the collections in their own hands. And it cannot be denied that in the absence of any stipulations to the contrary, the Plaintiff who has farmed the right ought to have the same conveniences provided for him as the Municipal Servants would have. The fence for a market was one of such conveniences, I would even say it was a necessity. This does not appear to have been denied before the date of this suit. For upon the

the Plaintiff has sustained no damages and is not entitled to recover any from the Defendant and that the Defendant acted in good faith in the matter.

3 — The issues for decision are:—

I. Was the Defendant as Chairman of the Municipal Council, bound to put up and keep in repair, the fences, sheds and gateways of the weekly market in question?

II Were the same out of repair during the period of the Plaintiff's farm, so as to make it impossible or too difficult for him to collect all the fees that he would otherwise have collected in the usual course of the business?

III What damages, if any, is the Plaintiff entitled to recover?

Issue I — I think the Defendant's plea that the fences existed in order to protect the fruits of some trees &c within the Municipal Market cannot be accepted. It is quite clear that unless the

failed to do so, notwithstanding repeated requests made by the Plaintiff, that the Plaintiff was consequently unable to make the authorized collections from people who brought cattle, cloths and other things for sale to the market, and that the Defendant is therefore bound to pay him damages viz: Rs 132-10-10 being the difference between the amount of ~~[illegible]~~ farm and the amount collected and Rs 17-5-2 being estimated loss of profits.

2 - Defendant states that he was not bound to keep the fences, sheds and toll-gates in repair; that the fences were constructed for the preservation of the manure, trees, fish &c within the market premises and not for the benefit of the market contractor; that the fences were put in repair by and for the Municipal Council according to its convenience that

In the Court of the Subordinate Judge
at Tanjore.

Friday the 28th day of August 1894

Present – M.R.Ry. K. Kristna Rao ag
Ag. Subordinate Judge

Small Cause Suit No 252 of 1894

V. Narayanasamy Pillai – Plaintiff
Versus
M.R. Srinivasa Rao Chairman
of the Mannargudi Municipal Council } Defendant

The Suit Coming on for hearing on the 24th Instant, the Court delivered this day the following Judgment:— Plaintiff is the farmer of the weekly Market at Mannargudi from the Municipal Council at that Station for the official year 1893-94. He States that the Defendant who, as Chairman of the Municipal Council was bound to keep the fences, toll-gate & sheds of the Market premises in repair,

is quite Clear that unless the

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ENCLOSURES TO C. NO.

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

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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