L. & M.
9,000–8–8–[illegible]

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 3 M

DATED 6th January 1896

[Despatch Abstract.]

Land

Declining to sanction the proposal of the Guntur Municipal Council to sell the --- encroached upon by Venkatanarasiah.

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Municipal Dept.
CURRENT No. 3796 M 189

[illegible]
17/12/95

FROM,
THE COLLECTOR,
KISTNA DISTRICT.

To,
THE Chief Secretary
to the Government
Local and Municipal
Department

Dated
Despd: 11—12—95
Recd:

Encls 3 +
C.M. 1848 M. retd

DESPATCHED
14 DEC 95

No. 1418/Exег of 1895

ENCLOSURES.

CHIEF SECRETARY GOVERNMENT OF MADRAS
13 DEC 1895

Subject.

Reporting on the appeal petition of Mr. V. Hanumanta Rao of Guntur regarding the encroachment made by one N. Venkappa Narasiah

(with order)

17/12 — a/21.12.95

Read again G.O. No. 842 M. 4/17
and Cur. Nos. 1845 & 3796 M.

C.S./Misc. Order No. 3 Munis d/ 6-1-96.

Under the circumstances [illegible] ted by the Collector in para 6 of [illegible] letter read above, the Municipal Council's proposal to sell the [illegible] referred to cannot be sanct[illegible]

P.R.
24/12/95

WWS
28.xii.95

[illegible]
4/1/96

To
The Chairman, Municipal Coun[illegible] Guntur, thro' the Collector of [illegible]

Pd. [illegible] L.O.P. 2nd & O
Dis. 9/1/96

TWO RUPEES

CHIEF SECRETARY
CURRENT No. 1848 M
7 JUN. 1895

To His Excellency the Right Honorable
Lord Beilby Baron Wenlock G.C.I.E.
Governor in Council of Fort Saint George.

The humble Memorial of
Inendapati Venkata
Hanumantarao in
-habitant of Guntur
Kristna District.

My Lord, May it please your Excellency.

This is an appeal against the Proceedings of the Chairman and Council of the Municipality of Guntur at a meeting held on 4th February 1895.

Copy attached.
Date of application for Copy 25-2-95
Do. delivery 22-4-95

In the almost forlorn hope at this late hour some attention and consideration may be given to this unfortunate case, I humbly beg to lay a short history of the principal facts of the same before His Excellency praying that I may be excused for intrusion.

sanitation, and signed on the resolution.

by Venkata Narasayya 3/4 by 16 yards belongs to the Government and the rest 1/4 by 16 yards is of mine (the petitioner)

17 Thus knowing that there is my own land in encroached site how can the Municipal Council can confirm to Venkata Narasayya the whole encroached site 1 by 16 yards taking 8 annas price per yard. Even in fixing the rate, the learned Council has shown some special favour towards Venkata Narasayya while his registered document appears clearly that he had paid to Apparow at the rate of one rupee per yard.

18 The principle cause for the Chairman's partiality in Venkata Narasayya is this

The Chairman V. Bhavanacharmulu garu is a pleader, Venkata Narasayya is a private Vokeel, giving him cases, and Venkata Narasayya's son-in-law Subbramanyam is a pleader in the same Court

upon me

Court, they are therefore friends and there is nothing extraordinary in Chairman trying to help him

19 The Thasildar of Guntur also is one of the members in the above Municipal Council. In his report to the Sub Collector No 1312 dated 2d Feburaury 1894, he stated that he had sent notices twice to Seenayya (Clerk in Dachepalli taluq) who executed the first document of Forgery, but he did not appear. The Thasildar also admits encroachment of Government land to be true, and as to the latrines he said that it would be very objectionable on sanitary point.

20 The Thasildar is not only a local officer but also, he is a member in Municipal Council, so his duty is to look to the welfare of locality, and knowing the matter thoroughly as stated in the above para, he also agreed with the opinion of Municipal Chairman in confirming the land for latrines contrary to the sanitation, and signed on the resolution.

Thasildar enquired into & sent his report to the SubCollector on 19-2-94 No 1312.

8 The Collector of the District sent for the record through SubCollector & on perusing of it, he sent an order to the Municipal Chairman in November last, directing him to cancel the original Kabala granted by SubCollector and resume the land to Municipality.

9 Instead of giving effect to the Collector's order, the Chairman placed the record before the Council on 3d December last with an intention of confirming the site to his friend Venkata Narasayya, expressing his opinion to the Council that it would not be proper to resume the land as the Collector directed.

10 Then the Council told him that their intention is the Collector's order should be given effect, and if the Chairman differ from them, he might record his opinion separately and send it to the Collector. Where upon the Chairman said that it

would

on that day, resolving should be sent to Venkata Narasayya to let him know his objection, why the disputed site should not be resumed to Municipality.

11 The Notice was signed on 3d December 1894 giving 10 days time from the date of delivery, and it was not delivered till 15th December, so that his explanation was to reach Municipal office till 26th December from which date till 7th January 1895 there is no office. Thus the Chairman allowed more than a months time to Venkata Narasayya to send in his objection.

12 The matter was thoroughly enquired into by Chairman for 5 months from 13th September 1893 till 2d February 1894 & got his explanation which was sent to the SubCollector with his report No 31 and therefore there is no notice necessary, but when he found the Councellors opposed to his view, he twisted the land for latrines contrary to the sanitation, and signed on the resolution.

[illegible]
by Venkata Narasayya ¾ by 16 yards belongs to the Government and the rest ¼ by 16 yards is of mine (this petitioner)

17 Thus knowing that there is my own land in encroached site how can the Municipal Council can confirm to Venkata Narasayya the whole encroached site 1 by 16 yards taking 8 annas price per yard. Even in fixing the rate, the learned Council has shown some special favour towards Venkata Narasayya while his registered document appears clearly that he had paid to Apparow at the rate of one rupee per yard.

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20 The Thasildar is not only a local officer but also, he is a member in Municipal Council, so his duty is to look to the welfare of locality, and knowing the matter thoroughly as stated in the above para, he also agreed with the opinion of Municipal Chairman in confirming the land for latrines contrary to the sanitation, and signed on the resolution.

Extract from the Proceedings of the Municipal Council Guntoor at a meeting held on 4th February 1895:

Present

MRRy. V. Bhavanacharlu Avergal
" Y. Narasingarow Puntulu Garu
A. J. Hestorlow Esquire.
" C. Venkatachelam Puntulu Garu
" N. Ramayya Puntulu Garu.
" P. V. Krishnayya Naidu Garu. B.A.
" A. Tel. Balamukundass Garu.
" G. Kristnamma Garu.
" Soudagar Mahamed Ibrahim Sahib Garu.
Revd. L. B. Wolf M.A
" M. Rajaratnam Mudaliar Avergal
" Somu Venkata Subbarayadu Garu
" Ch. Subbarayadu Garu.

I Read petition of M. Venkata Somayajulu & N. Venkata Narasayya garu giving explanation as requested by the Council on the 1st December 1894 why their site including encroachment near Nimmalabhavi should not be resumed by the Municipality.

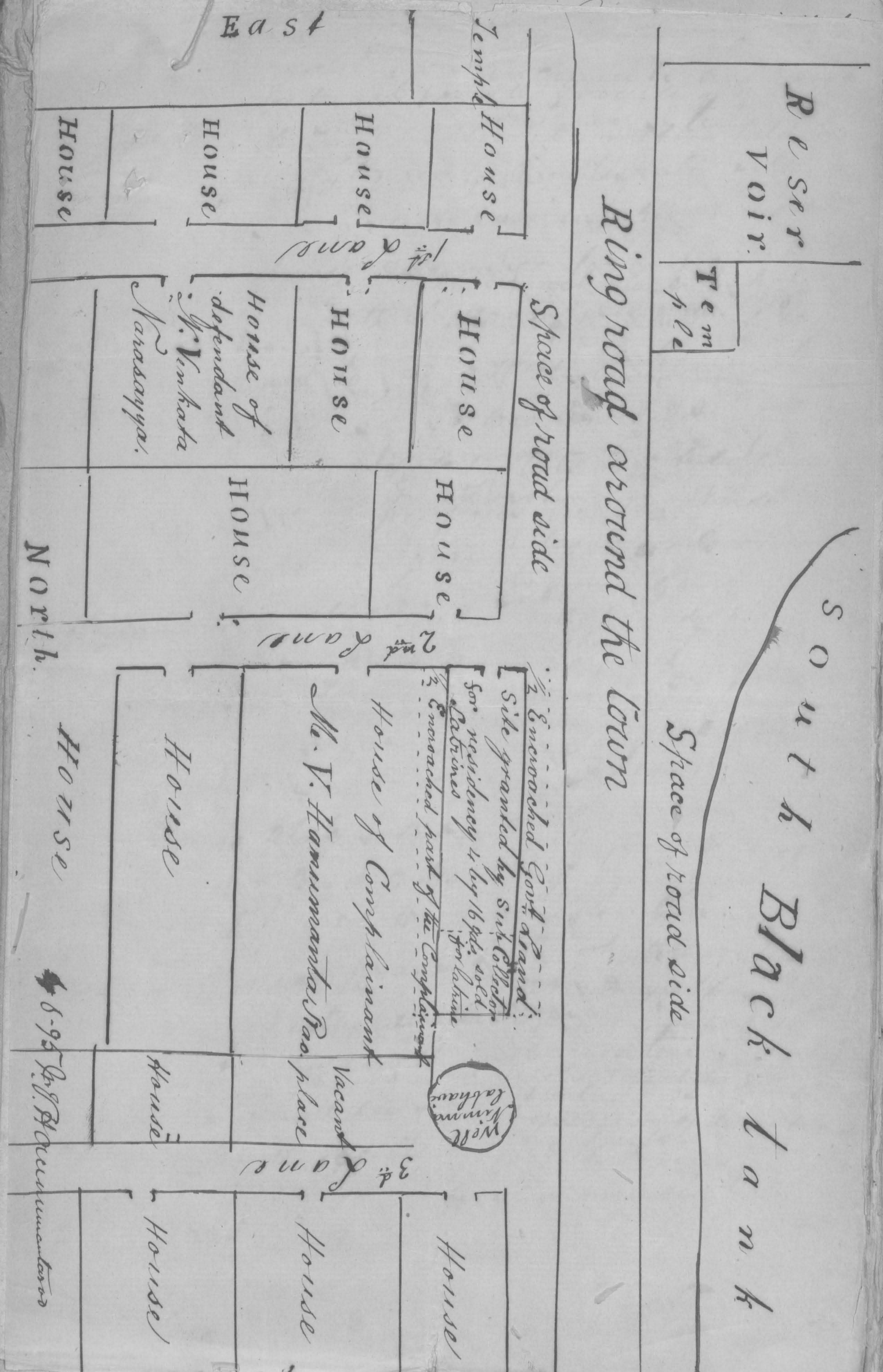
The Council resolves that the site may remain as it is in possession of the petitioner and as for the part of encroached site it makes over to him on payment of Rs 8.

x x x

(Signed)
V Bhavanacharlu
Chairman

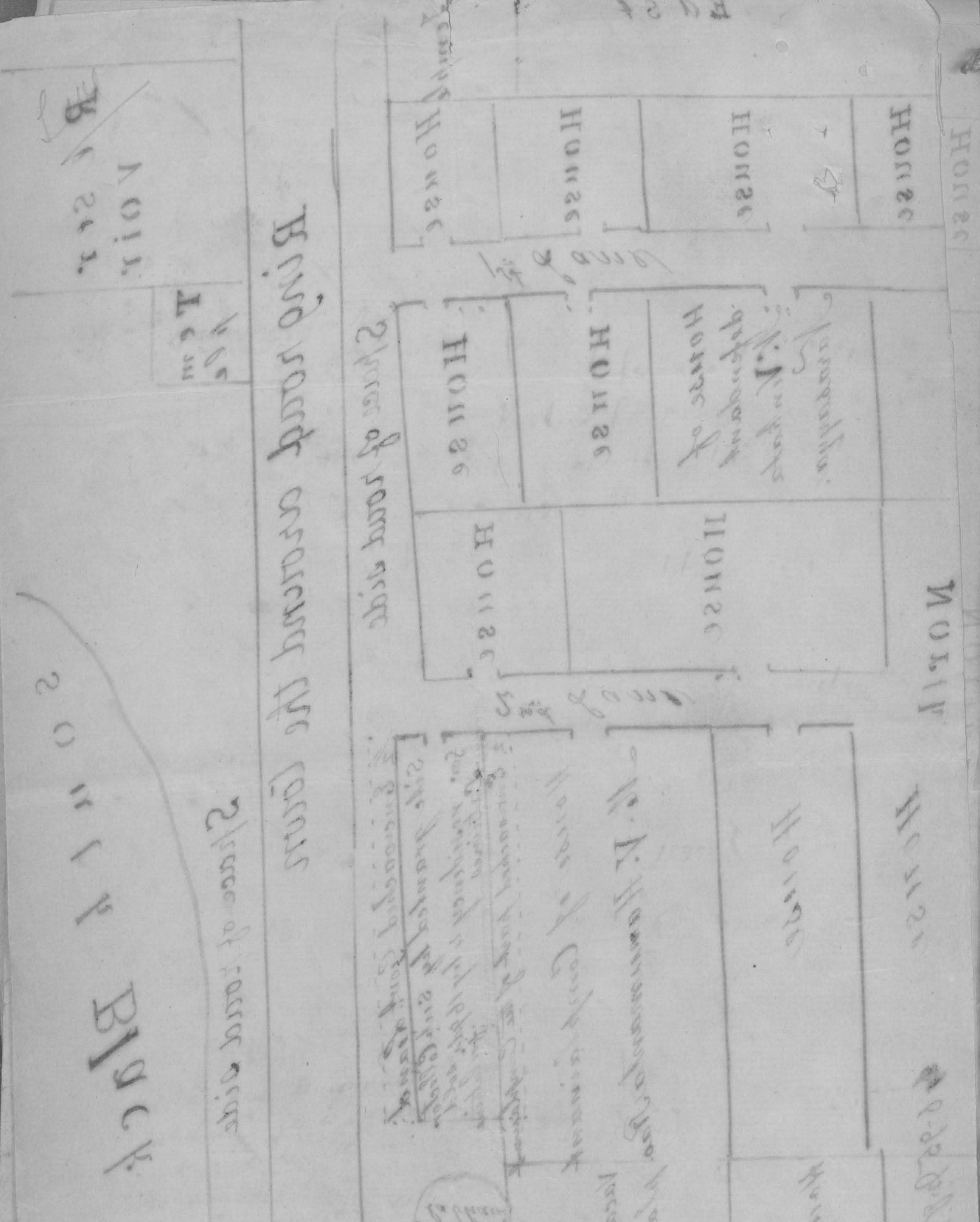
rue copy)

22-1-9 Copy



6-9-95 [illegible] Hanumantarao

1845 M of 95



[9]

LOCAL AND MUNICIPAL DEPARTMENT

Local & Municipal Dept.
CURRENT No. 1848 M

Petition

From

M. V. Hanumanta Rao
Guntur

No.

Dated 4-6-95

Received 10-6-95

Enclosures 1

SUBJECT.

Stating that injury, annoyance, danger and damage is caused to his property and health by confirming the disputed land to his opposed party who uses and sells it bit by bits to others for latrine purposes

Requesting that the Sale of the disputed land ~~to~~ by the Municipal Council may not be confirmed

(with Endorse…

17-5-95

Current No 920
English of 1895

No. 854

SUB COLLECTOR
4 JUL 95

Referred to the Collector of Kistna for report with reference to G. O. dated, 17th May 1895, No. 842. M.

By order,

C. Todhunter
Ag: Assistant Secretary
21-VI-95.

V. R.
10/7/95

Fort St. George.—
24th June 1895.

DESPATCHED
1 JUL 95

3082
Rec No 7/95

No Ref. on C No. 920/Eng of 95.

Forwarded to the Sub Collector for report which should be Submitted along with the chairman's reply to this office Rc 852
21-6-95
(enclosed.)

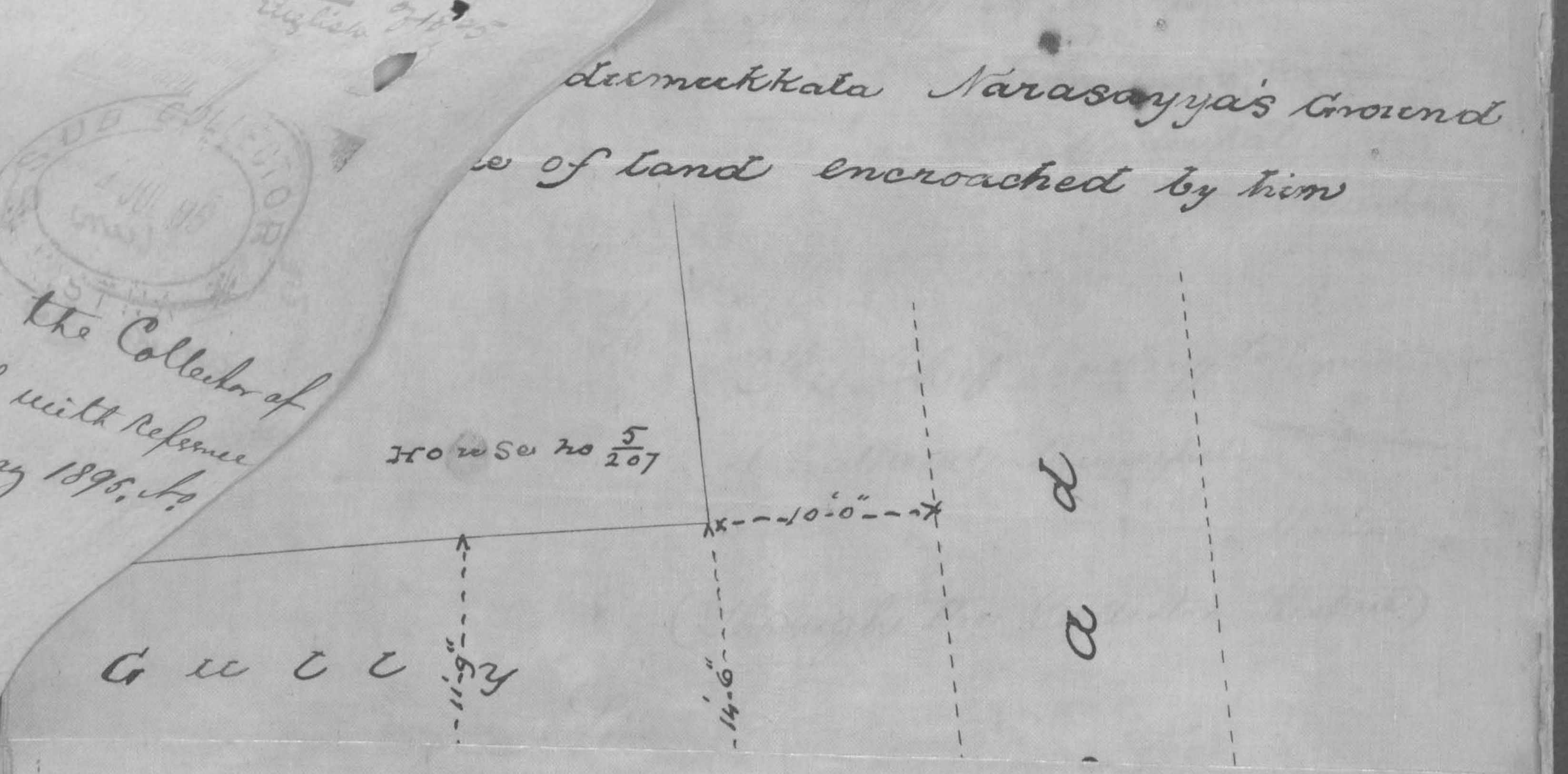
J. W. Atkinson
30/6
Collector

To,

The Collector of Kistna.

29.6.

No 142. Guntur Municipal
11th June 1895



9] LOCAL AND MUNICIPAL DEPARTMENT

Local & Municipal Dept.
CURRENT No. 1848 M

Petition

From

M. V. Hanumanta Rao
Guntur

No.

Dated 4-6-95
Received 10-6-95
Enclosures 2

SUBJECT.

Stating that injury, annoyance, danger and damage is caused to his property and health by confirming the disputed land to his opposed party who uses and sells it bit by bits to others for latrine purposes.

Requesting that the Sale of the disputed land ~~to~~ by the Municipal Council may not be confirmed

(with Enclosure)

---

842 ... 17-5-95

Current No 9200 / English of 1895

RETURNED WITH REPLY

SUB COLLECTOR 4 JUL 95

R.

No. 854

Referred to the Collector of Kistna for report with reference to G. O. dated, 17th May 1895. No. 842. M.

(By order)

C. G. Todhunter
Ag: Assistant Secretary
21-VI-95.

V. R.
10/6/95

Fort St. George.—
24th June 1895.

Recd 3082 / No ... 95

DESPATCHED -1 JUL 95

No. Ref. on C No. 920/Eng of 95.

Forwarded to the Sub Collector for report which should be submitted along with the chairman's reply to this office R. C. 854 / 21-6-95 (enclosed.)

J. U. Atkinson
30/6
Collector

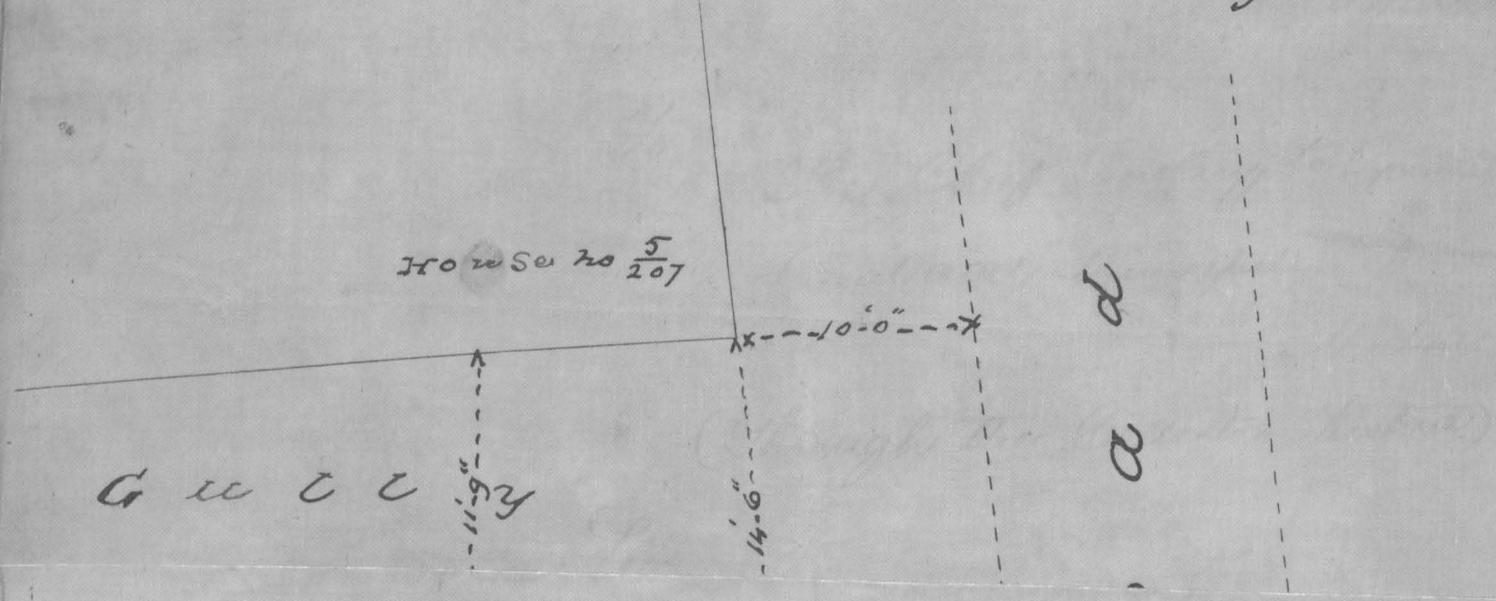
To,
The Collector of Kistna.

mos
29.6.

No 142. Guntur Municipal

11th June 1895

Site plan of Nedumukkala Narasayya's Ground and the piece of land encroached by him



842 M 17-5-95

1/3776 M of 95

No 142.

Guntur Municipal
Office 14th June 1895

Local & Municipal Dept.
CURRENT No. ....

From

M R Ry A M Sundarsiva Auergal B A
Chairman Delegate
Municipal Council
Guntur

To

The Chief Secretary to Government
Local and Municipal Department
Madras

(Through the Collector Kistna)

Sir,

In obedience to the 2nd para of G O No 842 M Mis / 17th May 1895, I have the honor to inform you that the land in question became Municipal property when the S Municipality came into excistence in 1866 and not under section 23 of Act IV of 1884 and not under any special notification of Government. Section 22 referred to in my letter No 12 / 4-4-95 is an oversight.

2 The site in question was Poramboka land till 8th January 1870 when it was

granted to Doosalrow Hanumantharow by the Revenue authorities for building a house on it. It was by him sold to Joolury Kamalaboyemma in 1880, by whom it was again sold in March 1888 to Niduмukkala Venkata Narasiah the present occupier who disposed a portion of it to Mallady Vencata Somayazulu in 1894.

3 When and by which of the several individuals the encroachments in question was made has not been traced.

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

Chairman Delegate

Title deed granted to [illegible] Venkata [illegible] of [illegible] by [illegible] Revenue [illegible] Kistna District on the 8th January [illegible] corresponding to the Saturday the 7th [illegible] of the increasing moon in the month of Pushyam of the year [illegible]

Application having been made for a site to build a house in the village of [illegible] been [illegible] by the [illegible] within the following limits —

East bounded by the way leading to a lane
South " " public street
West " [illegible] vacant site lying to the east of the Vemula [illegible]
North " " the wall of the site belonging to [illegible] Subba Narasimha Sastri [illegible] the two [illegible] built to the wall for letting the [illegible] from the site applied for

The vacant site appertaining to the [illegible] situated within these four limits, measuring

4 yards on the East
4 " on the West
16 " on the South
16 " on the North

As the 64 square yards [illegible] your possession through the [illegible] of [illegible] you should [illegible] the same [illegible] [illegible] and [illegible]

*

C 854 / English of 1895

From

The Chairman,

Municipal Council,

Guntur

For orders

Vide para 3 of the G.O. [illegible]

To

The Chief Secretary to Government

Local and Municipal Department,

Madras

COLLECTOR'S OFFICE, MASULIPATAM. RECEIVED JUNE 1895

(through the Collector, Kistna)

Dated 14th June 1895

Received

No 142

Subject

Submitting certain information
regarding the site of M. Vencata.
Somayazulu & A. Venkatanarsiah
in obedience to G O No 842 M. Mis
dated 17th May 1895

2/37

Seal

Title deed granted to Dhumalrow Venkata Hanumanthalow of Guntur, by B. Horsbrugh Esquire, Acting Sub Collector, Kistna District, on the 8th January 1870, corresponding with Saturday, the 7th day of the increasing moon in the month of Pushyam of the year Sukla in Fasli 1279.

Application having been made for a site to build a house in the village of Guntur, your application has been approved and the site granted within the following limits –

1. East bounded by the way leading to a lane.
1. South " public street
1. West " Vacant site lying to the east of the Nirmala Bhavi (a fresh water well)
1. North " the wall of the site belonging to Chemitikanti Butchi Narasimha Sastri Garu, and the two sluices built to the wall for letting off the drainage water from the site applied for.

The vacant site appertaining to the village site situated within these four limits, measures,

4 Yards on the East.
4 " on the West.
16 " on the South.
16 " on the North.

As the 64 square yards of land has been put into your possession through the Tahsildar of Guntur Taluq. You should be enjoying the same after raising an enclosure and building a house thereon.

Further, you should understand that the site should revert to Government if left vacant without occupation, and that you have no right to alienate it — privately by sale, gift, &c.

(Signed) B. Horsebough
Acting Sub Collector.

(Signed) P. Jwalaranjam,
A. S. S.

(Signed) N. Narasimharow,
Clerk.

(True Translation)

For Collector. 10/12

Comp: M

3/3796 M of 95

No. ——— of 189

OFFICE
OF THE
COLLECTOR & MAGISTRATE,
MASULIPATAM,
KISTNA DISTRICT,
17th December 1895.

Local & Municipal D
CURRENT No. 3796 M

FROM,
J. N. Atkinson Esquire,
COLLECTOR, KISTNA DISTRICT.

To,
THE Chief Secretary to Government,
Local and Municipal Department,
Fort Saint George.

SIR,

In returning herewith your endorsement No 854 dated 21st June 1895, I have the honor to report as follows:-

The Petitioner complains that one Venkata Narasaiah bought a piece of land 16 × 4 yards which was originally granted for building purposes and encroached upon the adjoining street to the extent of ½ × 16 yards and on petitioner's land to the extent of ½ × 16 yards (vide para 5). He requests that Resolution No 1 dated 4th February 1895 of the municipality confirming the whole encroached portion to Venkatānarasiah and Venkatā Somayajulu (Subsequent purchaser) be cancelled as the opening of a latrine thereon is a nuisance to him.

2 I do not consider it necessary to comment upon every allegation contained in the rambling petition under report. Nor is it necessary to enter into the question whether petitioner's land was encroached upon by Venkatānarasayya or not; for, that is a question of civil rights about the boundaries of the lands of the two parties and a civil suit instituted for an easement right over the land has been dismissed in favour of N. Venkatānarasayya.

I therefore confine myself to the questions whether there was an encroachment on the municipal street and whether the use to which the land is put is objectionable and what redress should be given.

3. The history of the site in question sinc its first grant is as follows.

On 16th November 1869, one D. V. Hanumant Row applied for a piece of land measurin 1064 Square yards in the Guntur town by the side of the Sekur road. As the Municipality was not constituted at the time, the land was considered part of Village site poramboke which the Revenue Authorities had power to give away unde Board's Standing orders. The village officers and the Tahsildar having recommended a grant of 4 × 16 out of the extent applied f the Sub Collector on 8th January 1870. issued a Kab for the same presumably under Board's Standing O

37. The original Kabula then granted had not been produced, but an uncertified Copy forthcoming in the Sub Collector's

records is herewith submitted. It contains among others the following two conditions.

(1) That the site should revert to Government if left vacant without being built upon.

(2) That the grantee should not have the power to alienate the land.

4 - On the death of D. Hanumanta Row, the site passed on to his brother Seenayya. In 1880 Seenayya sold the site to J. Kamalabayamma, wife of J. Appa Row Pantulu. In executing the sale deed, he entered 5×16 as the extent of the land against 4×16 originally granted, and did not present it for registration. N. Venkata Narasayya one of the two against whom the present petition is levelled, bought the site from J. Appa Row in 1887 for Rupees 80 by a registered deed, in which of course 5×16 yards was repeated as the extent of the land. In his turn, Venkata Narasayya sold a portion (5×5) of the site in question to one Mr. Venkata Somayajulu and it is now being used as a latrine. Notwithstanding the explicit conditions contained in the Kabela specified above, neither Hanumanta Row nor Seenayya made any attempt to build a house thereon though in fairness to them it must be conceded that the site is too small for a house.

5. There is nothing to show when the encroachment was actually made on the ground, but it appears likely as alleged by petitioner, that it was made by Venkatanarasiah when he began to use the land. The Municipality have come to the conclusion that the municipal street to the extent of ½ × 16 was encroached upon and that it should be confirmed to the occupiers on the payment of Rupees 8.

I think there is no doubt about the encroachment as found by the Municipality. The Tahsildar thinks that the site need not now be interfered with as it was granted long ago. Mr Buckley thinks that the original grant should be resumed because it was not built upon and the subsequent transfers made in the teeth of the 2nd of the conditions noted above are invalid. Mr. Gillman also makes the same recommendation on the ground that the site, bordering as it does, on a public road is being put to a most insanitary use. He considers that its use as a latrine is an annoyance to persons in the neighbourhood and a source of danger to the public health on account of its proximity to Nirmala-bhavi, well much frequented by the residents of the adjacent houses.

I think the last reason itself should have deterred the Municipality from granting the encroached portion to Venkatanarasiah and Somayazulu. As the Council however chose to confirm encroachment in defiance of Sanitary considerations, I request that the Council's Resolution No. $\frac{1}{4\text{-}2\text{-}95}$ may be cancelled under section 35 and that Rupees (8) eight if collected from N. Venkatanarasiah be ordered to be refunded to him. I am issuing orders on the Revenue side to cancel the original grant of 1870 both because it is being put to an insanitary use and because the subsequent transfers made in violation of the conditions are invalid against Government whose prescriptive

Note
This is not necessary as it will be quite sufficient if the sanction for its sale applied for is refused -

9

right is not barred by limitation for 60 years.

7. The Chairman's letter No. 142 dated 14th June 1898 called for in G.O. 1046 (1346) dated 19th September 1898 is herewith submitted. The delay in forwarding it and answering this reference is due to the late receipt of an incomplete report from the Sub Collector and consequent reference that had to be made thereon.

8. A plan of the site with measurements is enclosed.

I have the honor to be,
Sir,
Your most obedient Servant,
J. N. Atkinson
14/12
Collector.

Comp.

When given for copying 189 .
When copied
When examined
When signed

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.