

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 103/M

DATED 19th June 1896

[Despatch Abstract.]

Municipal Council.

Cancelling, under section 35 (1) of the District Municipalities Act, resolution of the Dimlipatam --- remitting a portion of house tax collected from a certain individual.

BACK PAPERS.

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FURTHER PAPERS.

[illegible]

1896

Local & Mmpt Depth

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²⁰ The Chief Secretary to Govt.

Fort St George local village

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order

Despatched 27. 5. 96.

Received [1 JUN 95]

Assured.

The municipal Council's action in having remitted a portion of the tax in this case is clearly unauthorized. Its resolution No. XII dated 18th May 1896, will accordingly be cancelled under Sec. 35(1) of the District Municipalities act.

Letter No 107 of 26th May 1896

Inclosure one.

187
8/6/96

12 10 106

Subject

the printing copy of resolution & requesting
the Govt. to issue or ask whether they find
satisfaction by the Council can be made.

7

No 107

From

M.R. Raju M. Venkata Chellam Parthasarathy

Chairman Municipal Council

Pondicherry

To

The Chief Secretary to Govt.

Fort St George Local Municipal Dept.

Madras.

Sir,

In submitting herewith copy of resolution passed by the Municipal Council at their meeting held on 13th Inst. I have the honor to inform you that certain Councilors interfere in the executive functions of the Municipality and thus put in obstacles in the due discharge of the office of Chairman. The case now under reference does not form in my humble opinion, one of the questions that can be decided by a Council as the petitioner never objected to the tax being assessed on the building but questions the right of the Chairman in collecting the full tax Rs 7 3 4 due on the building. I am of opinion that such a resolution as to refund 2/3 of the tax to the petitioner is not justifiable in the present case. I have therefore be kind enough to place the matter before Govt. and communicate to me their orders whether I can refund the tax as resolved by the Council. I would not have referred the matter to Govt. lest the Govt. might remark that refund should not have been made without reference to Govt. vide G.O. No 1775. (M) dated 28th Oct. 1895.

If the Councilors thus interfere with the executive functions of the Chairman I am afraid to represent that the collection of Municipal dues will suffer.

Soliciting the favor of an early reply.

I have the honor to be,

Sir,

Yours most obedt. Servant

M. Venkata Chellam

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Copy of resolution passed by the Municipal Council Pondicherry at their meeting held on 13th May 1896.

XII Read petition dated 24th March 1896 presented by Karado Swamy reporting that the tax on Karado Venkanna's building was recovered from him illegally as he is not the only owner or occupier. The Chairman brings the following circumstances to the notice of the Council for their consideration. The building was registered in the name of the father of the present petitioner who never applied to the Chairman for transferring the same in his name. The present petitioner and his brother Mangayya some time ago requested the Chairman to transfer the building in the names of their wives. This could not be done as the tax due on the building was not paid. Demand notices were served on the sons of the late K. Venkanna in whose name the building was registered. During previous years the tax was written off at the recommendation of the Councilors to whom the arrears list were referred for report. At Pondicherry all this during the last discussion at the Legislative Council the Honorable Advocate General gave out his opinion that it is practically came to be a charge on the land which was not known to the public and would not be known to the purchaser and he thought that there was ample provision in the Act for collecting tax due firstly by restraint, secondly by proceeding against the owner and thirdly by proceeding civilly against him and therefore there was no necessity for the amendment proposed by the Hon. Mr. C. Subba Row Paululu. So we can recover the tax from the petitioner as owner, and son of the late K. Venkanna. In any Court of Justice if there are more than one judgment debtors the amount of the decree can be collected from any one and the Court has nothing to do with the other, so the tax can be collected from K. Swami and it was his lookout to proceed against the other owners if any. In these circumstances the petition has to be rejected. He says that no demand notices were served on him whereas in his petition of 11th Decr 1895 he quotes the numbers of the demand notice. Had he not had the demand notice with him he could not have quoted the number as there are no door numbers in this Municipality.

and the number noted by him exactly tallies with the register. If
the party thinks that the Chairman has collected the tax
illegally he can proceed against him under Sec. 262 clause (3).
In the humble opinion of the Chairman the Council has not
the jurisdiction to entertain the petition as it is not appeal
against the assessment under Sec. 97 clause II.

Read also the opinion expressed by the Chairman of the
Vizagapatam Municipality stating that we can recover the
tax under the circumstances from the petitioners.

Out of 8 Councillors present 5 Voted for refund of
2/3 of the amount collected from the petitioners while 3 Councillors
(Messrs V. Sanyalish Chettyar, A. B. Nila Chellaw Dandulapuri
& M. Venkata Chellaw Dandula) are of opinion that the refund
cannot be sanctioned as they consider the collection is not
illegal in as much as every portion of the house is responsible
for the tax. The other five give their reasons to the effect that the
house belongs to 3 different persons individuals all of whom
are in a position to pay the tax separately.

Sd/ M. Venkata Chellaw
Chairman & Co.

/ True copy /

Municipal Office
Vizagapatam
26th May 1896

Sd/ M. Venkata Chellaw
Chairman & Co.
G.D.

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[Faint handwritten notes and signatures at the bottom of the left page.]

When given for copying
 When copied
 When examined
 When signed

189

READ AGAIN G.O., No.
 189

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL

[Handwritten text in the right margin, continuing from the left page or as separate notes.]

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N.B. -
 A = Copy in full.
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 Q = Copy heading only.