8

பொ. ப. புத எண். 24—6,02,106—24-2-66.

__________________ துறை

குறிப்பிட்டவர் பொறுப்பிலிருக்கும் பதிவுக் கட்டினின்றும் எடுக்கப்பட்ட தாள்.

அச்சு / பல்வகை / அலுவலகம். எண் __________, தேதி __________ 196

எடுத்த தேதி.	எதன் பொருட்டு.			தாள் எடுக்கும் எழுத்தர் அல்லது சிற்றெழுத்தர் கையொப்பம்.	திருப்பிக் கொடுத்த தேதி.	சிற்றெழுத்தரின் கையொப்பம்.
	துறை.	நடப்பு எண்.	ஆண்டு.			

L. & M.
3,000-8-8-96.

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 131 M

DATED 23rd January 1896

[Despatch Abstract.]

Petition

Informing with remark, N.V.Somayajulu that Government cannot interfere on his behalf regarding his objection to the disposal of a site by the Rajahmundry 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.
Cm	887	R/96					

Revenue (1895) Dept.

Local & Municipal Dept.

CORRESPONDENT No. 3893 M

WHS

From

27 DEC 95

The Collector of

Godavari

No 1607/Eng of 95 with Six Enclosures.

dated 20 }
despd 23 } 12 – 95
Recd }

docket

Submitting his report on the petition of N. V. Somayajulu objecting to the disposal of a ~~[illegible]~~ site by the Municipality Rajahmundry.

2076 [illegible] 11-12-95
Cm 1437 M/94 Lodged
End 22/94
210 [illegible] 89

C: Nos 73. M. of '94 & 3893 M

C.S.
Misc.

Order No 131 Mis
Dt 23-1-96

The Government sees no reason to interfere on behalf of the petitioner.

2. Mr. A. C. Tate will be requested to explain the delay referred to in para. 6 of the Sub-Collector's report.

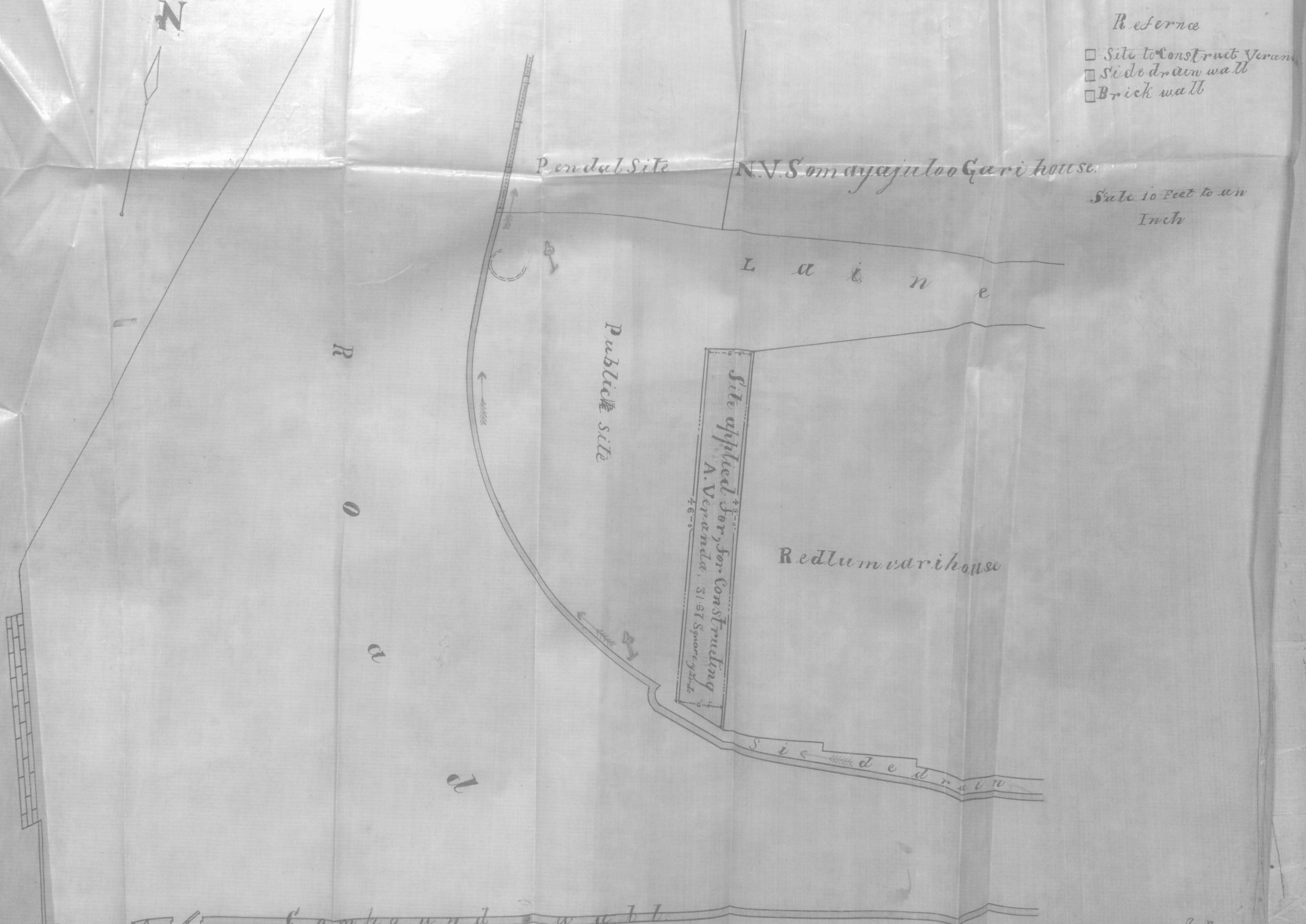
V.R.
20/1/96

WWT.
21.1.96

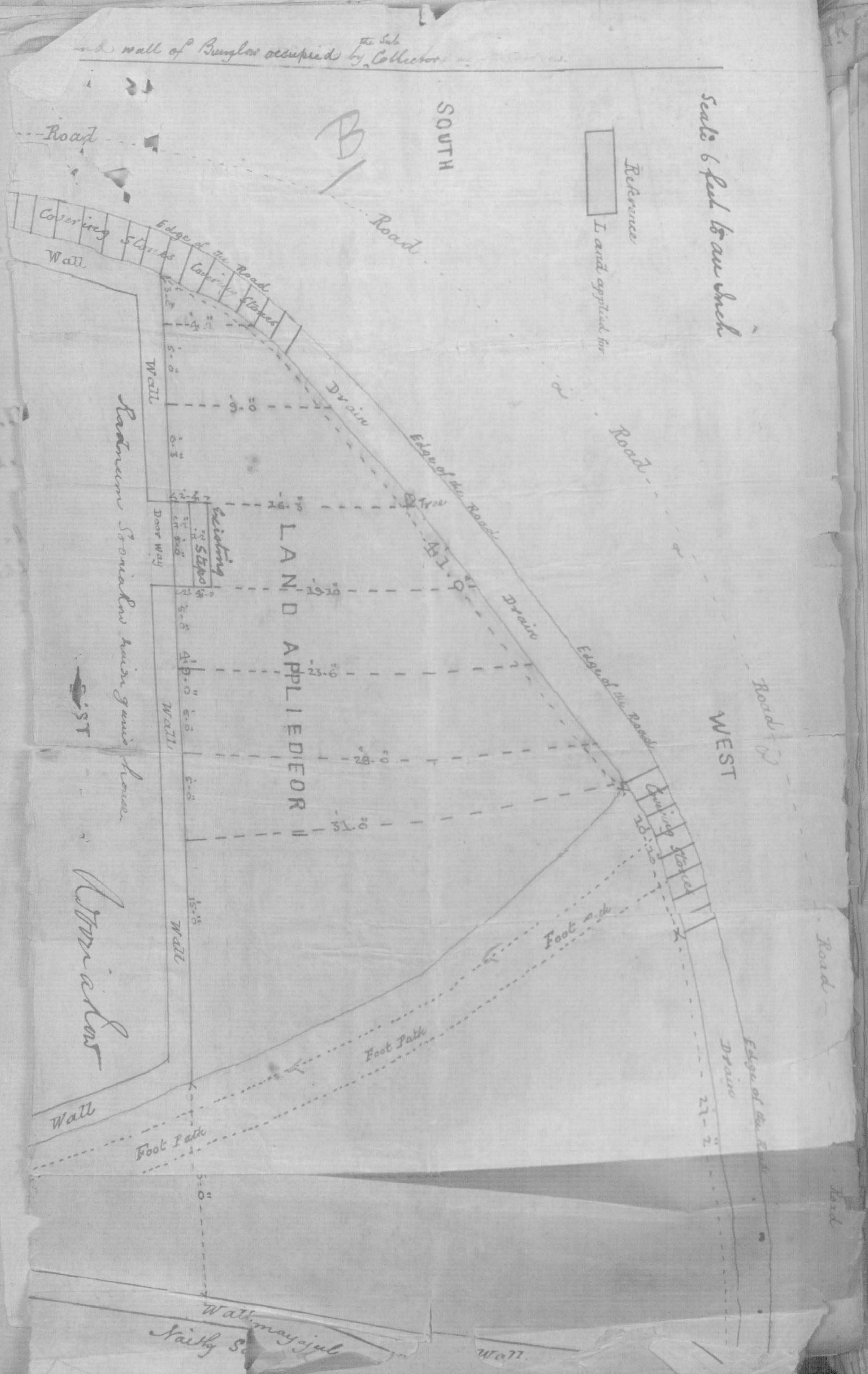
21/1/96

To
The Petitioner (para. 1. only)
" Collector of Godavari
A. C. Tate, Esqr., Collector of Cuddapah.
(with copy of para. 6 of the Sub Collector's report)

(with or[illegible]


N
Refernce
☐ Site to Construct Verand
☐ Side drain wall
☐ Brick wall
Pendal Site
N.V. Somayajuloo Gari house.
Sale 10 Feet to an Inch
Laine
Publick site
Site applied for, for Constructing A. Veranda, 31.67 Square yards
49'-0"
46'-0"
Redlumvari house
Road
Side drain
Compound wall

9.11.95



To

The Chief Secretary to the Government
Local and Municipal
Department
Madras.

The humble petition of
N. V. Somayajulu of
Rajahmundry
(Govt Pleader and Public
Prosecutor)

Respectfully showeth,

That in the matter of the Rajahmundry Municipality granting to M. R. Ry Rai Bahadoor R. Surya Row Nayudu Garu, of a piece of site abutting a Public Road and separated by a lane from your petitioner's bangalow, your petitioner presented two petitions to the Council (1) protesting against the alienation of the site by sale for building purposes on the ground of public inconvenience, (2) offering to buy it up if so sold at a fix rate or by public auction with a view to dedicating the same to the public and (3) drawing the Council's attention to its previous Resolution dated 28th August 1889, refusing the grant of the same site to the same gentleman.

2. That in face of the previous resolution and in spite of the petitioner's petitions to the Council, at a poorly attended meeting, it has not only not refused to grant the site, but also resolved to sell it at a fixed rate of Rs 1 per yard for building purposes to the inconvenience of the public; as shown in his petitions to the Council, (Copies enclosed)

3 That the Council gives no reasons whatever for going against the previous Resolution — a Resolution passed long before the petitioner became owner and occu~~pier~~pant of his bangalow aforesaid — Nor does it seem from the Resolution that it has considered and disposed of his petitions.

Your petitioner prays that the alienation of the site may not be sanctioned.

11 — 1 — 94

3893 Jun/95

To

The Municipal Council
Rajahmundry.

The humble application of
Néti Venkatasomayajulu

Respectfully showeth,

That the applicant learns that the Council, without any new and sufficient grounds in spite of its Resolution to the contrary in Aug 1889, resolved, on the 16th Instant, that the site between Mr R. Surya Row Nayudu's house and the road in front of the Sub-Collector's Bangalow, can be granted to private persons for their exclusive use without inconvenience to the public.

(2.) That the applicant protested against it as one of the public that have been using it, in as much as he is still entitled to use it and is also interested and entitled to have the site as it is.

(3). The applicant therefore requests you to grant him the said site fixing a reasonable value as he wishes to dedicate it to the public

for purposes for which it is now used namely
a, thorough-fare; or if the Council thinks that the
site is not wanted to the Public (which I say it is)
though dedicated to them the applicant requests that it
may be put it to public auction so that highest
price that it may fetch may be realized by
the Council and the highest bidder may
have the exclusive use of it, subject of course
to all rights which the applicant as a neigh-
bouring house-owner has

19-10-93 (signed) A.M. Somayajulu

To

The Chairman and Councillors
Municipality
Rajahmundry

Sirs,

I beg to submit that I learn that Rai Bahadoor R. Suryarow Nayudugaru applied for the Municipal site lying between his house and the road just in the front of the Sub Collector's Bangalow (on the East of the road);

I may at once ~~say~~ submit that it is clearly a misrepresentation that it is not useful to others;

It is used by the Public more particularly by the residents in the Lane by the side of it as a foot path as well as (for bandies turning in that place).

The usefulness of it also consists in its being kept vacant lying as it is by the side of the Main Road

I protest against its being granted

to the applicant as the grant of it will be more detrimental to the comfort and convenience of all those who live in the said lane as also to myself who live in the Bangalow to the north of it by shutting out sea-breeze to my house, than adds to the convenience of the applicant which he and his predecessors in title had for a long time without it

Even if it adds to the convenience of the applicant it cannot out-wigh that of others and myself which cannot be over looked for the sake of the applicant

~~Fif~~ Finally I submit that the application made in 1889 on behalf of the applicant for the very site to the Municipal Council was refused by it.

It does not appear that any mention of the previous application to the Municipal Council made in ~~the~~ the present application.

Why he did not make the application in question to the Municipal Council making mention of the former application is not known. Besides there is ~~b~~ no benefit to the municipality by the grant of it to the applicant

For the above reasons I request that the application, which was referred to you, of the said Suryarow nayudugaru may be rejected

2-9-93. (Signed)

1

45/3893 Gen/1905

No. 195
23-4-95

To

The Collector
Godavary
thro' the Divisional Officer.

Sir.

With reference to Yours No. 160/Sug dated 22-1-94 on Government Endorsement No. 22 of 9-1-94, referring for report, a petition presented by Mr. M. V. Somayajulu protesting against the alienation by sale of a certain site, I have the honor to submit the following report.

From the enclosed sketch, it will be seen that the site in question which is about 136 square yards, is in front of the house of Rai Bahadur Surya Rau, and is separated from the road by a deep drain. The gate and the windows belonging to the Surya Rau Nayudu open into it, and he has undisputedly a right of way over it.

It is his and the sale of it causes no inconvenience.

Mr Surya Raw Nayudu applied to permit to construct a varandah over this ~~st~~ site free of cost on the 8th December 1888 and 7th January 1889. These petitions were referred to the two ward Councillors for their opinion. One of them was of opinion that the site might be sold to him, and the other Councillor was of opinion that the site was vested in the Government and that he believed "we have no power to give it to residents of the town without previously obtaining the sanction of the Govt." Thereon the Council passed its resolution dated that the site could not be granted, the Council, being then evidently under the impression that the site belonged to Govt. and and not to the Municipality.

Then Mr Surya Raw Nayudu in Augus 1893 presented a petition to the Sub Collecto for grant of the site in front of his house & the SubCollec ~~the~~ referred it to the Council for its Opin whether a grant might be made of it.

The Council, after considering the e petition of Mr Somayajulu protesting agains this and its previous resolutions, was of opinion that it had no objection on general grounds to grant the site in question but that the site belonged to the Municipality being a part of the street as defined by the Municipal Act. and that it would pass order on any application made to it for the grant of the site specifying the purpose for which it was required. Subsequently Mr Surya-Raw Nayudu applied to the Municipality for the site stating that his object was to construct pyals and varandah over the pathway 2 yards wide and to raise the land which is low, and plant a few trees on it. The Council Considered this application along with another objection petition put in by Mr Somayajulu, and resolved to sell the site to Mr Surya Rau Nayudu at 1 Rs a yard (which is the market price) subject to the sanction of the Government for the aforesaid purposes mentioned by Mr Surya Rau Nayudu in his petition

Mr Somayajulu anticipated the Council's action in placing the matter before the Government by presenting the petition under reply to Government. From what has been submitted above, it will be seen that the previous resolution which Mr Somayajulu speaks of was with reference to a request to permit building upon the ground free of cost, and permission was refused,

as the Council thought as then advi
that the site did not belong to th
Municipality.

As abovementioned, Mr Surya Ra
Nayudu has a better claim to the s
than any one else having a right of wa
over it, and the alienation for the purpo
mentioned by him in his petition, does n
cause any inconvenience to the public

There is a lane separating it from th
front yard of Mr A. V. Somayajulu, and
any objection to the sale of the site to Mr
Surya Rau Nayudu comes with a very
bad grace from him, in as much as the
ground (Coloured saffron) in front of his
house up to even ~~th~~ the road side —
drain wall is in his own occupation.
Mr Surya Rau Nayudu intends to drop a
Varandah only 2 yards wide from his wall

which would then make his house nearly in a line with Mr Somayajulu's house (as marked in the plan in red dots) and the remaining site will be left open with flower pots and trees planted on it. Such an arrangement will put the place in order, and could not shut out the breeze from his front yard as Mr Somayajulu apprehends. The Council see no objection to the grant of the site for value to Mr Surya Row Mazumdar and find neither force nor reason in the objections raised by Mr Somayajulu to allow Rai Bahadur Mr Surya Row Mazumdar to do what he has himself been able to do in front of his house

I have
&c

(Sd/-
Chairman

(True Copy)
W. S. Iyer
Sub Collector

6/3893 No 195

Godavari District
Sub collector's office
dated 11-12-95

No:

From

W. S. Iyer Esqr.
Sub collector
Godavari

To

C. A. Brodie Esqr.
Collector, Godavari

Sir

With reference to the Correspond
ending with this office Ref on cur no: 682/Rev of 95 dated 13-11-95, and your Ref num No: 160/Ery of 94 dated 26-11-95, I have the hon to report as follows in re the petition of Mr. N. V. Somayajula (the Local Governm Prosecutor) to Government, protesting agai the grant of a site in front of the house of Rai Bahadur Rednam Suryanarayana Naidu (the Dy: collector) in Rajahmundry.

× Copy attached

2 In December 1888 and January 1889 Mr. Suryarao Naidu presented a

petition to the Municipal Council Rajahmundry requesting the grant, free of cost, of a vacant site in front (to the west) of his house for raising pyals and a varandah. The petition was referred to the two ward councillors for opinion. One of these was of opinion that the site might be sold to Mr. Surya Rau at Rs 1 a square (~~per~~) yard, and the other that it belonged to Government and that the municipality had no control over it. On receipt of these reports, the Council passed resolution, dated 28-8-89 to the effect that the "site cannot be granted."

3 Again in August 1893 Mr. Suryarau presented a petition to the Sub Collector requesting him to grant the site in question to him. And the Sub Collector referred it to the council for opinion: Mr Somayajulu seems to have ~~been~~ put in a petition objecting to its grant to Mr. Suryarau. The council, after considering

both

both the petitions passed the following resolution dated 16-10-93

" The council has no objection on general grounds to give the site, which in its opinion belongs to the municipality, being a part of public street as ~~p~~ defined by the Municipal Act. When ~~applied~~ an application will be made to the council for the site, the council will decide how much of the site (~~on~~) and on what conditions it should be given."

4. Thereupon. Mr. Suryarau in November 1893 applied to the Municipal Council for the site. In the meantime, however, Mr. ~~Suryarau~~ Somayajulu had presented a petition dated 19-10-93, protesting against the resolution of the council passed on 16-10-93, objecting to the grant of the site to Mr. Suryarau, and

suggesting its sale by public auction if the council thought that it was not required for public use.

5. The council after considering these petitions, passed the following resolution on 11.12.93.

"The site will be sold to Mr. Surya Rao Naidu at Rs 1 a square yard for the purpose wanted by him, with the permission of ~~the~~ Government." It is against this order that Mr. Somayajulu's petition to Government d 11-1-94, which has now to be reported on, was preferred. The petition was referred to the Collector with the Chief Secretary's Endorsement No: 22, dated 19-1-94, and the latter referred it to the municipal Chairman with his Ref No: $\frac{160}{Eng}$ d 22-1-94 for report through the Sub Collector.

6. The Chairman submitted his report accordingly on 23-4-95 after a delay, that is, of 15 months. Mr. A. C. Tate, who was then Sub-Collector, took the papers with him on his transfer to Kurnool, having apparently personally enquired into the matter and desiring to deal with it himself. Though several reminders and telegrams on the dates ~~noticed~~ noted in the margin were sent to Mr. Tate from this office, nothing whatever has been heard from him on the subject up to this time. As suggested in your letter of 26 ultimo No: $\frac{160}{Eng}$ copies of the papers have now been obtained from the petitioner and the municipal office, and having perused them, I, this morning, inspected the site in company with the two

Telegrams d 10-5-95
d 5-7-95
Reminders No: $\frac{602}{Rev.}$ d 11-6-95
d 11-9-95
& d 12-11-95

two gentlemen who are disputing over it.

7. Two plans are ~~in~~ on the ~~r~~record — one marked A, and the other sent in with the chairman's report, B. The latter, though more rudely executed, is much the more accurate as regards the shape of the land applied for and its position in respect to the public road. The road marked a a on this plan is the main road along the riverbank, and b b is a lane required for access to the river by the occupants of houses situated behind Mr. Suryakan's. The main objections Mr. Somagapilu raises to the front of the land now in question are (1) that the public right of way to the river and the river road will be materially obstructed, and (2) that

the

the erection of a building on this spot will ~~shut~~ shut out light and air from the house (marked d) ~~([illegible])~~ that he has been occupying for many years.

8. The ~~first~~ objection is I hold not valid. The actual existing lane (b b) will not be touched, and there will still be a vacant space on the other side of it, as shown in the plan to relieve any congestion of traffic. The plan, I may remark, though it indicates the relative position of the plans I am referring to sufficiently well, is not accurate as to scale. The site which the Municipal Council intended to give Mr. Suryakow is not nearly so large as it would appear from the plan, and will in fact form

only a reasonable forefront to the moderate sized house he already occupied.

9. The second objection might have some force, if the building to be erected were a solid one, but Mr. Surya Row only intends, he states, to build a two storied open pillared varandah such as he now has on the other side of his house, and with this concession, Mr. ~~Surya Row~~ Somayajulu expressed himself fairly well satisfied this morning.

10 The minor points raised in the petition have been sufficiently dealt with in the Chairman's report dated 23-4-95/195, copy of which I now forward.

11 I do not think that

there

there is any reason for Government to interfere on behalf of the petitioner.

I have etc
(Sd) W. S. Meyer
Subcollector

(True copy)

Local & Municipal Dept.
CURRENT No. 3893 M

No 1607/Ecy of 20-12-95

Submitted to the Government of Madras, Local and Municipal Department in reference to its endorsement No. 22 of 19-1-94 on petition from N. V. Somayajulu, Government Pleader, Rajahmundry.

2. Under the circumstances reported by the sub-collector, the petitioner has now no ground for complaint. Indeed so long as Rai Bahadur R. Surya Row Naidu is willing to purchase the land, and there is no objection on public grounds to its sale to him by the Council, N. V. Somayajulu

has

farm has no locus standi in my opinion. If the purchaser attempts to make use of it in such a manner as to interfere with any prescriptive or other rights of his, he can of course enforce them in the civil courts.

3. The original petition referred by Government and other connected papers being reported to be with Mr. Tate, copies have been obtained and submitted herewith.

4. I regret the delay in the submission of this report which has been fully explained by the Sub-Collector.

(sd) [illegible]. A. Brodie
Collector

Dy: Collector

21/12

To
The Chief Secretary to the Govt. of Madras.
Local & Municipal Dept.

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

EAD AGAIN G.O., No. DATED
189 ,

URRENT No.

NCLOSURES TO C. No.

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

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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