INDEXED

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 1674 M

DATED 30-9-96.

[Despatch Abstract.]

Munl: Council

Stating that the election of M.R.Ry Alagiri Chettiyar as a member of the Salem —— was invalid and ordering that the name of the other candidate of M.R.Ry Kathiri Chettiyar be notified.

BACK PAPERS.

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

FURTHER PAPERS.

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

[L. & M. / 500—18-8-96.]

Local & Munl. (1896.) Department.

CURRENT No. 2020. M.

Order

For order See within

From The Collector of Salem.

No. 3565.

Dated 9° July 1896.

Received 13° —Do.—

Registered —Do.—

Enclosures (1)

Spare copies

SUBJECT.

Reporting the result of an election held in the Salem municipality for filling up a vacancy in the Council.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Election of a Councillor
Salem Municipality.

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., dated 189 , No.

Current No. 2020. M. of 1896, dated 9° July from the Collector of Salem.

Current No. 2022. M of 1896, dated 9° — Do. — from the Chairman, M.C. Salem.

" 2108. M — " " 15° — Do. — S. M. Kathiri Chettiyar, Salem.

" 2459 M — " " 25° August — Collector of Salem.

C.S.

FOR ORDERS.

The point for considerati in this case is, whether M.R.Ry. Alagiri Chettiyar was at the time of election duly qualified as a candidate.

The man's name appears in the list of persons qualified for election, but this is no conclusive proof of his qualification. Vide. G.O. No. 644. M. dated 15° June 1888. On the other hand, it is admitted by all parties that he does not own any of the houses registered in hi name in the municipal books, and it appears from the records that a reunion between him and hi divided nephew Balakrishna Chet on which the decision in G.O. N 660 M. dated 15° May 1893 appar turned, has neither been alleged n proved. In these circumstances, i is clear that his name has be

improp

To The Collector of Salem
Gazette
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improperly included in the list of persons qualified for election and that he was not duly qualified as a candidate. The following draft order is submitted for approval:—

Order No. 1674 Mmis Dy 30.9.96

The Government considers that the election of M. R. Ry. Alagiri Chettiyar was not valid, as he was not, at the time of election, duly qualified as a candidate. The name of the other candidate M. R. Ry. Kathiru Chettiyar will accordingly be published in the Fort St. George Gazette.

V.R.
21/9/96

W.W.D.
25.9.96

28.9.96

Despr. Please return this time after despatch –
P.R.
30/9/96

To
The collector of Salem
(with 12 enclosures returned)
Gazetted 30/9/96
13/10/96

30/9

FOR ORDERS.

Office note this case

30/9

22-4-97

NOTIFICATION.

UNDER Section 10 of the Madras District Municipalities Act, 1884, the under-mentioned gentlem~~e~~an ha~~ve~~s been duly elected Municipal Councillor~~s~~ of the Municipality of Salem :

M. R. Ry: M. Kathiri Chettiyar Avargal

registry as best evidence thereof would
"have followed -

"4. It seems to me that really
"the only alteration in affairs is that
"Balakrishna Chetti has grown
"old enough to mange a shroff's
"business for himself, Alagiri -
"Chettiar lives with his nephew
"as managing member of the -
"family, pays the house tax for the
"houses in question and has his
"name registered in the municipal
"books as owner. Balakrishna
"Chetti is really brought up as his
"son. Under these circumstances
"which are the same as in 1893, I
"am of opinion guided by the G.O
"previously quoted, that Alagiri
"Chettiar is qualified as a candi-
"date and I so decide".

4. I have little to add to what I said before. I decided more upon the spirit of the rules as I understood them than upon the strict letter, as this, I took it, was the principle followed in the previous decision by Government. Before me on the present occasion the arguments against Alagiri Chettiar being duly qualified are chiefly that as proved by the mortgage deed by Balakrishna Chetti, he is not the actual owner of any house, that as a member of a divided family he may be agent for Balakrishna Chetti but he cannot be manager for the family, that the mortgage does not make his wife

of M. R. Ry. Alagiri Chettiar on the ground that at the time the election was held he was not qualified as a Candidate. - With reference to rule 38 of the Election rules I had an enquiry made at which both parties were present.

GO 1241 M 95

3 G. O. No. 660. M. Mis dated 15th May 1893 passed orders upon the same man's qualifications after a former election - The circumstances are not quite the same now. This year after his nomination a petition objecting to it was put in under Rule 22 of the election rules and I passed the following order which I give at length as it practically states all the facts.

" On one M. R. Ry. Alagiri Chettiar being nominated as a Candidate for election to the Municipal Council Salem; one Mari Chetty objected to

"to the nomination on the ground that "Alagiri chettiar was not a qualified "person. The Chairman rejected the "petition on the 12th June holding under "Rule 22 that the petition was out of "time. On the 18th June petitioner appealed "to me.

" 2. The grounds of application are that "Alagiri chettiar is not a house owner though "it is admitted he is registered as such "in reference to houses 111 A, 112 A and 112 "but it is alleged and admitted by "Alagiri chettiar that in 1886 there was "a division between himself and his "nephews - Kupiah Chetti, one nephew, "sold the house that fell to him on 24-7-95 "and Alagiri Chettiar sold his house to "a Mussalman. This left houses numbered "112 and 112 A that fell to the share of a "nephew of Alagiri chettiar called "Balakristna chetti. Alagiri Chettiar claims

"claims that he is really the managing
"member of the family notwith-
"standing the division and that
"therefore he is properly qualified as
"an owner. If he be so his contention
"is correct as in a former objection
"petition after his election, Govern-
"ment in G. O. Dt 15th May 1893 No 660 Mis.
"Mis – upheld that view –

" 3. The only thing to consider is
" whether since that order –
" circumstances have so changed
" that Alagiri Chettiar can no
" longer be considered to be
" the managing member of the
" divided family.

" The change of circumstances
" are that

" (i) Balakrishna chetti is now 23
" years old and not 20 years.

" ii Half of Balakrishna Chetti's
" house has been mortgaged
with

"with possession to Alagiri chettiar's
"wife, his brother's wife and his
"daughter in law – Alaghiri chettiar
"is no party to the document.
"

iii Balakrishna chetti manages
" the business of a shroff himself
" " Alagiri chettiar looks after land."
"on the other hand the family
"continues to live together".

iv. "Balakrishna chetti now some-
"times pays the house tax but
"doubtless at Alagiri chetti's re-
"quest. As regards the mortgage
"which no doubt is a family
"affair, the fact that Alagiri
"Chettiar's wife is one of the
"mortgagees is in favor still
" of his position as a quasi owner.
" If change of ownership really
" had taken place in these houses
" assessed at Rs 7-8-0, change of
registry

(who only has a third share in the mortgage) an owner of any share in the house, but merely gives her an interest in it, and that no family re-union was pleaded on this occasion as it was in 1893.

5 In reply it is urged that Alagiri Chettiar and Balakrishna Chettiar, his nephew, live, eat and carry on business together and that the partition was only to get rid of the liability that might arise from some other nephews of Alagiri Chettiar who were not steady and that the mortgage had to be in Balakrishna Chetti's name as the house had fallen to his share in the division.

All this may not alter the Case at all & will be of no significance; if there had not been a "re-union" wh. Alagiri chettiyar is stated to deny –

but still it was a partition & had the effect of dividing the interests of the parties to it –

6. Though Alagiri Chettiar and Balakrishna Chetti do not exactly do business together, my view of the facts is that they live together as father and son – one looking after the lands and the other the shop. I therefore gave my decision before the election in favor of the validity of Alagiri Chettiar's nomination – I now submit the case to Government for favor of its orders. The objection petition under report is enclosed.

I have the honor to be
Sir
Your most obedient servant
CW Mounsey
Acting Collector

Copd
Slew

11.7

Municipal Dept.

2022 M

DEPARTMENT.

FROM

THE Ag. COLLECTOR AND

DISTRICT MAGISIRATE,

Salem

TO The Chief Secretary to Govt. Local and Municipal Deptt. Madras

Dated 9 July 1896.

Despatched on 12"

13 JUL. 96 No. 3565

ENCLOSURE. 1 (Petition)

SUBJECT.

Reporting the result of an election held in the Salem Municipality for filling a vacancy in the Council -

(with a reference)

C. Nos. 2020 & 2022. M

Reference. 949 / 14/8/96

The Collector will be requested to enquire and report without delay whether as stated in para. 7 of the petition of objection, house No. 111. A. is still registered in M.R.Ry. Alagiri Chettiyar's name, and whether the statement made in para. 8 is correct. The records of the enquiry into the petition refered to in para. 3 of his report should also be submitted.

V.R. 11/7/96

W.O.D. 23.7.96

6/8/96

To The Collector of Salem.

(with petition to be rtd)

a/20/7 ca- Cuper 14/8/96

1984 / cw

2022 M

Despatched on 12.7.96 No. 1984 / cw

C. Nos. 2020 & 2022. M

From

The Chairman

Municipal Council

Salem

To

The Chief Secretary

to Government

Thro' the Collector

of Salem.

Dated 9th July 96

13 JUL. 96

No. 968

Enc.

Subject

Reporting the result of the Municipal election held on the 22nd June 1896.

Endorsement

Submitted. The objection petition was put in by Kamathiri chettiar & I have embodied the result of my enquiry in my Report No 3565 dated 10th instant sent separately.

Ag. Collector

10/7

The Chief Secretary

to Govt.

Local & Mul. Depts

Madras

5. It will be seen from para 2 of the above order that the Collector is under the impression that G. O. dated 15th May 1893, No 660 M, Miscellaneous upheld the view that the managing member of a divided family is properly qualified as owner of property which fell on partition to the share of another member of the family. It is submitted that the Collector has entirely misconceived the scope and effect of the above G. O.

6. M.R.Ry Alagiri Chetthar was a candidate for election in 1893. Objection was taken to his candidature on the same grounds as now — that he was divided from his nephews — that he sold away the house that fell to his share and was therefore not qualified as house owner — that admittedly he was not otherwise eligible for election under Rule 5. But M.R.Ry Alagiri Chetthar then offered proof which was accepted by the then Collector, Mr. Andrew, that he was re-united with his divided nephew Balakrishna Chetty, and, as head of the reunited family, was the owner of the

(2d. sheet) houses.

"and eat together. In 1895 Balakristna "acted for himself,[x] Alagiri Chetti pays tax"- The only things Alagiri Chettiar himself said were "Balakristna Chetti will go and pay it (house tax) at my orders and receipt is given in my name- I bring him up as my foster son"- The brackets in the notes indicate that it was the Counter petitioners whose words were recorded before the petitioner's reply was finished.

x (referring to the mortgage he gave)

2. Disposal No. 3032 dated 21th June 1896 Containing the records of my Enquiry into the previous petition is submitted.

I have the honor to be
Sir
Your most obedient servant

For Ag. Collector

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AGAIN G.O., No. DATED
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