

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 627 M

DATED 6th April 1896

[Despatch Abstract.]

Petition.

Declining to comply with the request of Mr. Bastian Sequeira, Codialboil village, Mangalore, that certain land acquired by the Mangalore Municipal Council for a burial-ground may be returned to him on payment of compensation received by him for the same.

BACK PAPERS.

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

FURTHER PAPERS.

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

FROM CIRCULATION. WITH REMARKS.

THE CHIEF SECRETARY TO GOVERNMENT
in the Local & Municipal Department
Madras.

Humble Petition of Bastian Siginia,
of Godialboil Village, Mangalore
Taluk, South Kanara District,
dated 14th Jan 1896.

Sir,

I beg most respectfully to state that in
1887 a piece of land (of which I am the mullgar
or proprietor) situated in Baloor Village, Godial
Bogani, Mangalore Taluk and measuring acres
6 & odd, was notified by the Mangalore Municipality
and by the Revenue Authorities to be wanted to
Government, as the same was required for the Munici-
pality for the ostensible object of converting it into
a Mahomedan Cemetery, and that the same would
be acquired under the Land Acquisition Act. As
there was ample Government waste land near my
piece which the Councillors would not convert into
a cemetery for fear of hurting the feelings of a
rich fellow councillor, and as too inadequate value
was fixed for my land to be given to me as
compensation, I sent a petition to you on the 26th
of October 1887, but Government was pleased in

their order N^o 594 m. mis of 7th June 1888 to say
that it sees no occasion for its interference on
my behalf as the land was notified under the
Land Acquisition Act.

Thereupon I objected to the very inade-
quate compensation fixed by the Revenue Author-
-ities and wished that the same may be fixed
by the District Judge under Section 15 of Act X of
1870. Though I claimed Rs 1645-2-2 and my bulgion
tenants claimed Rs 4633-5-4, the District Judge
fixed the compensations to be paid to me at Rs 500
and to my tenants at Rs 300. Much against
our will under the operation of the Land Acquisition
Act, we were forced to receive the compensations
and my valuable land was wrested from me.
The only consolation I had amidst all my grievance
was that my land was acquired for a public purpose
and to remove the Mohammedan cemetery from
the populated part of the Town to a rather distant
portion within Municipal limits. I consoled
myself with the thought that though I was de-
prived of my land and I was put to a great loss
the sanitation of the Town would improve. But I
regret very much that though the land was ac-
quired from me in 1888, so long as seven the
years ago, it has not been put to the ostensible
purpose for which it was forcibly acquired from me.

To crown all I am told that the Municipality
has utterly forgotten the original end for which
my piece of land was acquired by them and is
thinking of selling or otherwise alienating the said
land for valuable consideration.

I beg to add that in the Proceedings
of meeting of the Supreme Legislative Council which
passed the Land Acquisition Act, it will be seen
that the Act should be worked with as little
oppression as possible and that adequate compensation
should be given to land owners. I regret very much
that the Municipality deprived me of my full com-
pensation of Rs 6278.7.6 and never put the land
for the purpose for which it was acquired may they
are even negotiating to alienate the land to private
persons and to profit under the unsatisfactory and
forceful operation of the Land Acquisition Act. If
such actions are tolerated by Government on the
part of Municipalities or Railway Companies to
help which the Act was passed, the people will
necessarily have much to grumble against the
already unpopular Land Acquisition Act.

I beg, therefore, to state that I am ready
to accept to Government Rs 800/- compensation paid
to me and to my Hindu tenants, and request
that Government may be pleased to order that the
Municipality should stop all negotiations for a
private

private sale of my land and if the Municipality
does not want the land for the purpose for which
it was acquired, the same may be returned to me
on receiving from me R. 800/-

I beg to remain
Sir,

Your Most Obedient Servant

W. A. D. O. (19) 3, 9 1880

We, the undersigned Mulgani tenants of Mr Bastian
Siqueira, our land lord, do hereby declare that we
are willing if Government returns the land named
above to Mr Bastian Siqueira Petitioner on receiving
from him on his and on our behalf the compensation
money of R. 800/- paid to us against our will.

Dec 22 1880
+ 1880

Local & Municipal Dep

CURRENT No. 214 M

From

Mr. Bastian Sequeira

Codialboil Village, Mangalore.

2.2.96
Lm

No. 128

Referred to the Chairman, Municipal Council, Mangalore for remarks, which should be submitted through the Collector.

/ By order

L. R. Phillips
Ag Assistant Secretary

L. R.
27/1/96
To Bastian Sequeira
30th January 96

No.

Dated 14-1-96

Received 20-1-96

Enclosures

SUBJECT.

Praying that the land acquired from him by the Mangalore Municipality under Land Acquisition Act for a Muhammadan burial ground may be returned to him on repayment of compensation received by him for the same as it is not required for the purpose taken for.

/ With End

23/1/96

No. 1134

MUNICIPAL OFFICE,

MANGALORE, 18th February 1896

CURRENT No.

From,

M. R. Ry. J. M. Rama Rao Aragal,
Chairman, Municipal Council,
MANGALORE.

To,

The Chief Secretary to Government,

Local and Municipal Department,
MADRAS.

(thro' the Collector of South Canara).

Sir,

With reference to your Endorsement No. 128, dated the 30th Ultimo, herewith returned, I have the honour to report as follows:-

2. The land mentioned in the petition of Bastian Sequeira, was acquired by this municipality in 1887, under the Land Acquisition Act, 1870, for the purpose of being used as a general Cemetery for the Muhammadan community.

The compensation was fixed by the Collector at Rs 403-14-4, inclusive of the additional 15 per cent. allowed under Section 42 of the Act, but the claimants did not accept the amount awarded, and the matter was consequently referred to the determination of the Court under Section 15 of the Act.

The

Mum. J. R. No. 1682
1105 Sub. 30-7-89 75-96

The District Judge and the two assessors who assisted that Officer in determining the amount of compensation, personally inspected the place, and raised the amount of compensation to Rs 800/-, as, in their opinion, the whole property was worth that sum.

3. After the land was acquired, the Muhammadan community raised the objection that it was not suited for the purpose of a burial-ground, as it did not satisfy the requirements of their religion, and the Government concurring in the objection ordered that two unobjectionable places should be acquired — vide G.O. No. 103

1784 M. Mis. 22 — 11-94 and 1825 M. Mis. 4 — 11-95

4. The Municipal Council has therefore decided to sell the land in question, so that the value realised might be useful for the acquisition of the new lands, ^{which have been valued at Rs 14,000;} and the Basel Mission has offered Rs 1200. The value of land in the town is gradually increasing, and as the land in question was acquired seven years ago, the amount offered by the Mission cannot be considered to be an unusual price at the present time, and

When

when the land is sold by public auction, it might fetch even a higher sum.

5. These circumstances have doubtless tempted the petitioner Bastian Siqueira to make an attempt to get his land back. Hence the petition to Government. But, I submit, he has no grievance whatever, since he had got a very fair price when his land was acquired from him seven years ago, nor does his prayer seem to me to be reasonable or supportable.

6. I am also not aware of any ruling which prescribes that when a land which has been lawfully acquired for public purposes cannot be or is not used for such purposes, it should be restored to the person from whom it was acquired on his repaying the compensation got by him.

I have the honour to be,
Sir,

Your most obedient servant,

J. M. Ramath

Chairman.

Mun. J. R. No 1682
 1105 Sub 30-1-96
 95-96

Dis No 168-86
 282

Submitted. There seems to be no rule or provision of law applicable to the case. Parag. 19 of the Revised Board's Standing Order No 11 applies to relinquishment and not to a case like this. The Standing Order No 12A does not also provide for such a case.

S. Canara Collectors office
 Mangalore 28 February 1896
 Confid
 282

From,

The Chairman,
 Municipal Council,
 Mangalore.

To,

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

(Thro the Collector of South Canara)

Dated 15th
 Despatched 20th
 Received } February, 1896.

Enclosure - One

No 1439

Subject

Submitting remarks with reference to the petition from Bastian Sequira received under Government Endorsement No 128
 30-1-96

I don't myself see what the petitioner has to complain of. He wants not only to get the increased increment in the value of the land but to enjoy the income Rs 800 for years for nothing! However, he has no power in the matter

1/4/96

Local & Municipal Dept.

CURRENT No.

Local Municipal.

1896.

From
The - Collector
District Magistrate of
South Canara,

To
The Chief Secretary to Government,
Local & Municipal Department,
Fort St. George.

Dated 28 February 1896.
Received

Disposal No. 168 offb.

ENCLOSURE
SECRETARY
5 MAR 1896
Subject.

Muhammadan Burial
Ground - Submitting to
the Municipal
Chairman's letter referring
to the petition of Bastian
Sagguia praying that the
land acquired from him
by the Bangalore Municipi-
palitz under Land Acquisition
Act for a - may be re-
turned to him on re-payment
of 800 Rs. paid to him as
compensation for reasons
stated in the petition of Bastian

C. No. 214 & 795. M.

CM
misc.

order.

The petitioner's request
cannot be complied with.

1.8
24/3/96

10
24/3/96.

For order.

This is rather a hard case. In 1889 the
pet. was forced to relinquish his land for
Rs 800, as it was wanted for a cemetery. It was
here used for this purpose & is now
proposed to be sold for Rs 1200. Thus the only
result of the acquisition of the land is that
the Municipality make Rs 400, of which sum
the pet. is deprived. Submitted that he
should be allowed to have back his land on
the payment of Rs 800, as it was acquired
unnecessarily. There is no provision under
which the pet. can claim this, but it is a
hard case.

26.3.96
To the Petitioner
Chairman, M.C. Bangalore
13/3/96
See in
his answer to a letter on, see what
pet. can do. The land is the
property of the Municipality and not of the
pet. 25/3/96

When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. 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.
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