13-11-12

[L. & M.
9,000-8-8-96.]

Local & Munl. (1896) Department.

MISCELLANEOUS.

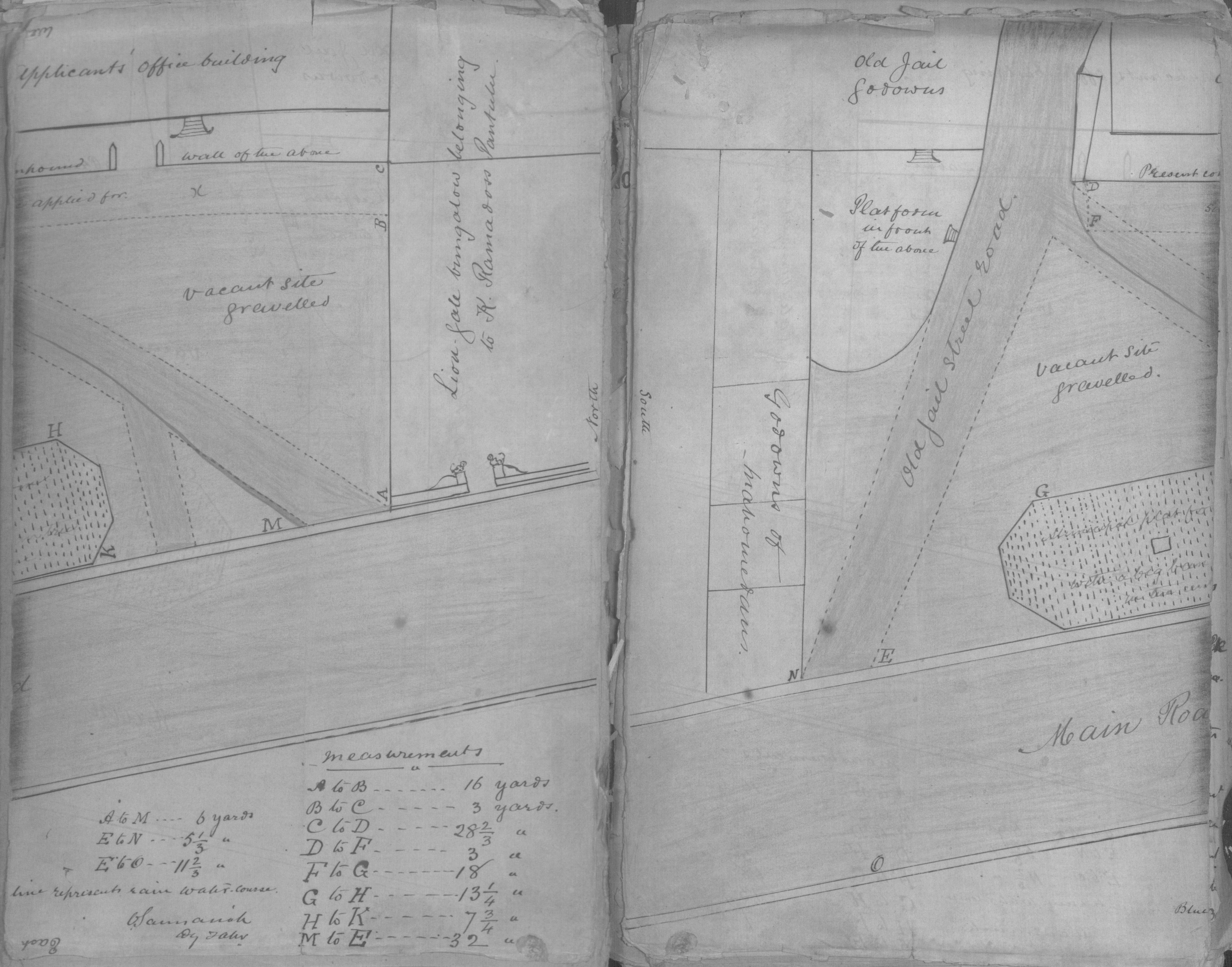
G.O., No. 680 M

DATED 24th April 1896

[Despatch Abstract.]

Land.

Declining, with remarks, to approve the sale of a certain---- in the Bimlipatam Municipality to one Ch. Sanyasi Nayudu.



Measurements

A to B - - - - - - - 16 yards
B to C - - - - - - 3 yards.
C to D - - - - - - 28 $\frac{2}{3}$ "
D to F - - - - - - 3 "
F to G - - - - - - - - 18 "
G to H - - - - - - - 13 $\frac{1}{4}$ "
H to K - - - - - - - 7 $\frac{3}{4}$ "
M to E - - - - - - - 32 "

A to M - - - 6 yards
E to N - - - 5 $\frac{1}{3}$ "
E to O - - - 11 $\frac{2}{3}$ "

line represents rain water-course.

C. Sannaiah
Dy Tahr

Copy of resolution passed by the Municipal Council of the town of Bimlipatam at their meeting held on 26th Novr 1895.

× × ×

IV (1) Read G.O. No. 1755 M (mis) dated 25th Octr. '95 informing that the land in question does not vest in the Municipal Council under Sec 23 of Act IV of 1884 and that the proposed sale cannot therefore be sanctioned.

(2) Read petition dated 7th Inst. of M.R.Ry Ch. Sanyasinaidu garu informing that in accordance with the G.O. read above the land in question does not appear to have been vested in the Municipal Council and that he made out necessary arrangements with the land lords of the Vizianagram Samasthanam officials for occupying the land and requesting that he may be permitted to extend the present compound wall farther on as already applied for.

Resolved that the matter may be again brought to the notice of Govt. stating that the land in question actually belongs to the Municipality as it is in the possession of the Municipality for the last 20 years and that therefore the matter may be again considered.

× × ×

Sd/ M. Venkatachellam
Chairman M.C.

(True copy)

Municipal office
Bimlipatam
6th Decr 1895

M. Venkatachellam
Chairman M.C.

No. 650.

Municipal Office,
Bimlipatam 6th December 1895

From

M. R. Ry. ~~Rao Saheb V. ANUNTHA ROW~~ M. Venkatachellam PANTULU GARU,
Chairman, Municipal Council,
Bimlipatam.

To

The Chief Secretary to Govt.
Fort St. George Local & Municipal Deptt.
Madras

SECRE GOVERNMENT OF MADRAS
10 DEC 1895

Sir,

Adverting to G.O. No. 1755 M (mis) dated 25th October '95 I have the honor to inform you that the Council at their meeting held on 26th Novr. '95 resolved that the land in question vests in the Municipal Council & that they have a right to sell it. I therefore request you will be so good as to bring this question again before Govt. for reconsideration & favor me with the orders of Govt.

2. Please also obtain orders of Govt. for the sale of the land to M. R. Ry. Ch. Sanyasi Naidu garu in case the Govt. agree with the Council as to its possession.

Copy of resolution is herein enclosed.

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

M. Venkatachellam
Chairman, M. C.

375 | M of 96

Local & Municipal Dept.
CURRENT No. 3451 M

LOCAL AND MUNICIPPAL DEPT.

5053 5

FROM
M. R. Ry. ~~Rao Sahib~~ M Venkata Chellam
~~V. ANUNTHAROW~~ Pantulu Garu
Chairman, M. C., Bimlipatam

To
The Chief Secretary to Govt.
Fort St. George Local & Munpl Dept.
Madras.

Despatched. 6·12·95
Received.
Answered.

Letter No. 650 dated 6th December 1895

Enclosures. One

Subject.

Submitting copy of resolution of the Bimlipatam Municipal with regard to the sale of land for reconsideration of Govt.

TO BE RETURNED WITH REPLY.

No. 1811.

Referred to the Collector of Vizagapatam for remarks.

(By order)

W. W. Phillips
Ag Assistant Secretary.

7/12/95

Fort St. George
20th Decr 1895

To, The Collector of Vizagapatam (with a copy of G.O. No 1755 M d (25-10-95).

~~Forwarded~~
2-1-96

+ Forwarded to the P.A. Coll for enquiry & report
7-1-96 Collector

8-1-96

+ To be returned

Reg no 19. RC 758/96.

Forwarded to the Deputy Tahsildar of Bimlipatam who will report with a clear & accurately drawn sketch of the locality, the grounds on which the Municipal Council claims to have been in possession of the site for 20 years, & the manner in which it acquired it – if at all – He will also state his opinion whether the land belongs to or vests in the Council and whether if not it vests in the Govt. or the Maharaja of Vizianagaram or other private person, with grounds.

Leslie Miller
P.A. Coll
9.1.96.

R.G.
12-1-96

13/1/2

a
16/12

Dis no 236.

Principal Assistant Collector's
Office. Vizianagram.
6th March 1896.

Local & Municipal Dept.
CURRENT No. 945 M

From
L. C. Miller Esqr
Principal Assistant Collector,
Vizagapatam.

To
The Collector,
Vizagapatam.

Sir,

With reference to your Endorsement dated 8th January 1896 calling for a report on letter No 650 dated 6th December 1895 from the Chairman of the Bimlipatam Municipality regarding the sale of a piece of land within its limits, I have the honor to forward herewith for your information a rough sketch showing the position of the land in dispute and its appurtenances. The land is marked x in the sketch. It lies adjacent to the compound of the applicant and contiguous with the vacant site gravelled by the Municipality. The Chairman's claim to the land is based on the fact that it has been gravelled by the

the Council and conserved by it for 20 years. The enquiry made by the Deputy Tahsildar however shows that the land some 30 or 35 years ago used to be utilized for the location of a market, the existence of which was free of all control of the Municipality or any private individual, and that shortly after the Police Act came into operation, it was left vacant, the market having been removed to the godowns of Rayunimgram. This vacant site is however traversed by two roads, viz. A to D and a small one to the East of the Municipal platform which are maintained by the Municipality, and the vacant space may be fairly held to form part of these two streets and so to vest in the Council. If the Council is held not to be the owner presumably the Maharajah of Vizianagram is entitled to dispose of the land.

I have &c

(Sd.) L. C. Miller

P. A. Collector

(True Copy)

Forwarded with reference to G.O. no 1811 dated 20th December 1895.

2. It appears clear that the land in question does not fall under section 23 of the Act and consequently does not vest in the Municipality. I am of the opinion that the Maharajah of Vizianagram is the owner if any one is.

3. The land would, I believe, be village site in the south of the Presidency. In this district there is no such thing as land set apart for this purpose so far as I know. The general question is under enquiry with reference to G.O. No 345 dated 27th January 1896. I think the result will be to show that though there is no land definitely set apart as village site the Zamindar only exercises general control over vacant places in a village and has no right to sell them to his own advantage.

For Collector.

R.S.

PR

Local & Municipal Dept.
CURRENT No. 945 M

249 M 12-2-96
1755 M 25-10-95
210 M 20-2-89
877 M 12-7-89

C: No. 3751 M. of '95 & 945 M. of '96

From
The Collector
Vizagapatam

To The Chief Secretary to
Govt Local & Municipal

Dated 13 March 1896

UNDER SECRETARY
18 MAR 96
PUBLIC & TR DEPT

Dis 367

Enclo (G.O. returned)
C. No. 3751 M of 95 retd

Submitting the report called for regarding a vacant site in the Bimlipatam municipality proposed to be sold to Mr. Ch. Sanyasi Naidu garu

C.S.
Misc.

Order

The Government sees no reason to reconsider its order No. 1755. M, dated 25th October 1895.

P.A.
23/3/96

W.W.D.
24.3.96

H.M.
See separate note
8.4.

H.M.

~~I sh[oul]d be inclined to hold with Mr Miller that as the site is an open space gravelled & maintained by the Muty: for 20 years it sh[oul]d be held to vest in the Muty. By definition "street" includes not only a road but also a "square" or other [illegible] "over which the public have a right of way". The site has been gravelled & the Muty have erected a platform for wayfarers, & there is a banian tree in the shade of which they may rest. I sh[oul]d therefore be inclined not to dispute the Mun title [illegible] & this the rather that it will preserve the site as a lung space to the people, and prevent the property in it becoming a [illegible] matter of dispute among contending claimants to the prejudice of the interests of the townspeople~~

To The Chairman, M. C. Bimlipatam
thro' the Collr. of Vizagapatam

Write order

20/3 [illegible] 22/3

H.R. 18/3

H.M.

Mr. Willock thinks the space in question is not within sec. 23 of the Mun. Act, & does not vest as a "public street" in the Muty, but if it belongs to any one belongs to the M.R. of Vizianagram.

I should be inclined to hold with Mr. Miller that as it is an open space gravelled & maintained by the Muty. for 20 years it vests in the Muty. or sh[oul]d from lapse of time be taken to do so. Even as it is the space appears to fall within the definition of "street", which includes not only a "road" but also a "square" over "which the public have a right of way". The space has been gravelled, a platform for wayfarers has been erected within it, & there is a banian tree under whose shade travellers may repose or the townsfolk gossip. In ancient times it was a market place.

I sh[oul]d therefore be disposed not to dispute the municipal title, & this the rather that it will preserve the place as a lung space, and prevent the property in it becoming a matter of dispute among contending claimants to the prejudice of the communal interests of the townspeople. (Cf. G.O. 27.1.96 No. 3

R

~~[illegible]~~

If this view is accepted & the space recognized as vesting in the Mcty., the G.O. of 25.10.95 may be cancelled in so far as it declares the land not to vest. But at the same time the proposed alienation may be disallowed, the Mcty. being required to maintain the whole space as a public square.

S.S.F. 7.4.6

Order. No. 680 Mis. d/ 24.4.96

From the report now received it appears that the site is a square over which the public have a right of way, ~~& accordingly it vests in the municipality under sec. 23 of Act IV of 1884. The Govt. cannot however sanction its sale, as it is desirable that the municipality should maintain the site as a public square~~

In modification therefore of G.O. No 1755 M. 25.10.95 the Govt. consider that it vests in the municipality under sec. 23 of Act IV of 1884, but its sale cannot be approved, as it is most desirable that the site should be maintained by the Municipality as a public square.

(from orders)

22/4/96

4.96.

To The Chairman, M. C. Bimlipatam, thro' the Collr. Vizagapatam.

Pd

7/4/96

(from orders)

CS

READ AGAIN ORDER OF GOVERNMENT, DATED
189 , No. , MISCELLANEOUS.

BACK PAPER, NO. OF 189

FURTHER PAPER, NO. OF 189

ENCLOSURES.

CURRENT NO.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

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Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATE 24-4-96

No. 680 M

When given for copying.

[Despatch Abstract.]

Land

Declining, with remarks, to approve the sale of a certain ——— in the Bimlipatam Municipality to one Ch. Sanyasi Nayudu.

√

[9,

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

place in

READ [illegible] G.O., No. DATED
18

CURRENT No.

ENCLOSURES TO C. No.

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

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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