[ L. & M.
9,000-3-3-96. ]

# Local & Munl. (1896 ) Department.

## MISCELLANEOUS.

**G.O., No.** 586 M

**DATED** 31st March 1896

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[Despatch Abstract.]

Petition.

Informing N.Venkatanarasayya and M.Venkatasomayaji of Guntur that Government sees no reason to reconsider its order declining to sanction the sale of a piece of land encroached upon in the Guntur Municipality.

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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## FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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[illegible] 344 [illegible]

Notice given by the Municipal Council to Var[illegible] the Site

[illegible]

[illegible] 16 [illegible] ½ [illegible]

[illegible] 1896 [illegible] 6 [illegible]

[illegible] 30 [illegible]

[illegible] 168 [illegible] 2 [illegible]

[illegible] 264 [illegible]

[illegible]

[illegible] 6 [illegible] 189[illegible]

(Sd) P. Venkatakrishnayya.
Chairman

G.O.

G.O.

REVENUE DEPARTMENT.

1684.

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MAR 9

PETITION The Secretary

0210 to the Govern

REVENUE DEPT. Ma

The humble representation of Ni

-kkala Venkata Narsayya and

Venkata Somayaji of Guntur.

Most Respected Sir,

In applying for

the order of the Government to 3 16 January

Concerning ~~a grant~~ an alleged encroachment of a site, which is o

by us in Ramachandrapura Agrah

Guntur, we most humbly and respectfu

beg to state as follows:—

3 the petitioners are the transferees of the fourth and the fifth degree (please vide the table below)

Dhummal Row Hanumantha Row Garu
(First private owner of the site)

|

Seenayya Pantulu (who inherited the site from the last owner)

|

Zulury Kamalabayamma Garu
(Who purchased the site from the previous owner who sold it as his absolute property in 1860 i.e. 16 years ago). [N.B:— The dimensions of the site as entered in the sale-deed are 16 by 5 yds]

|

Nidumukkala Venkata Narasayya
(one of the petitioners)
who purchased the site under a registered sale deed from the previous owner at the rate of Rs 1-0-0 per yard, after due inquiry as to the site & the documents concerning it &c…

[N.B:— This registered deed tallies with that obtained by the previous owner in point of dimensions, viz, 16 by 5 yards]

|

Malladi Venkata Somayaji
(the second petitioner)
who purchased a portion of the site from his co-petitioner.

From this table, it appears that the present owners' possession of the property for the last 10 years was obtained bona fide from the transferees of the third and the fourth degree after due and sufficient inquiry made by them as far as it could be done regarding the rights and liabilities attached to the site in question

2 Besides the coincidence of the two sale-deeds executed in favour of Zuluru Ramala-bayamma Garu and Nidumukkala Venkata Narasayya (one of the petitioners) in point of the dimensions of the site in question, there are also some more facts which go to prove that the encroachment (if any) was not made by the petitioners, viz,

i) The boundary walls of the site were raised by the original private owner D. Ramamurthi Row, as was deposed to by Zuluru Ramalabayamma Garu, a respectable lady. The subsequent purchasers simply repaired them and did not move even an inch forward into the Municipal land.

ii) Besides, on application, about 6 or seven years ago, of Nidumukkala Venkata Narasayya (one of the petitioners) for the repairing of the said walls, the Municipal authorities entered in their permission order the dimensions of the site as being 16 by 5 yards.

3 Thus it may be observed that the petitioners obtained the possession of the site bona fide and that they have not been the authors of the alleged encroachment, being the transferees of the fourth and the fifth grade. Also that the facts mentioned above, viz, a) the walls were erected by the first owner, b) five successive purchases were made by five successive owners; c) the municipality did not question the absolute title of the petitioners while granting permission to repair the walls, go to show that the land has been in enjoyment of private persons for the last 25 years.

4. The petitioners further beg that the Government will kindly consider the loss to which the petitioners have been put on account of the same.

The Chairman of the Local Municipality (M.R.Ry. V. Bhavanachari Garu) inspected the place in question and placed the made regarding the site before the Municipal Council with the view that a part of the site 1/4 yard broad was an encroachment, and that the encroachment to the extent of 1/4 yard broad was from the adjacent site of one Mandapaty Hanumantha Row (the mover of the inquiry regarding the said site). With regard to this alleged encroachment, it may be observed that it is simply an alleged one, for the dimensions as entered in Hanumantha Row's sale-deed concerning his own purchased land (adjacent to the one under inquiry) are just the same as they were while in his vendor's possession, the breadth being greater by 1/4 yard. Besides this, the Civil Court observed that no encroachment was made by Nidumukkala Venkata Narasayya (the first petitioner) upon the land of the said Hanumantha Row in a suit between them.

Upon this, the Municipal authorities in their resolution, decided that land alleged to have been encroached was all to be paid for. However seeing that the same piece of land had been bought for proper consideration by the petitioners and that it has been in their enjoyment for the last 20 years under the bona fide belief that there had been no encroachment previous to their occupation the Municipal Council fixed the price at the rate of half a rupee per yard. The petitioners had to agree to this resolution of the Municipality.

5 There are also facts to shew that the said Mandapaty Hanumantha Row moved the present inquiry purely with a malicious motive. Just by the side of the reservoir attached to the black tank of Guntur, Hanumantha Row obtained a site worth about Rs 750 some 8 or 9 years ago for no consideration. Nidumukkala Venkata Narasayya (one of the petitioners) protested against the grant on public grounds. With a view to satisfy his grudge, he bought a site just by our site in question and began to trouble N. Venkata Narasayya in every possible way. He had [illegible]

dimensions entered in his sale-deed, larger than what they are really (please vide para 2 on page 4) and thus caused some disputes regarding the boundaries common to the site in question and that purchased by him. A civil suit was filed in which he was unsuccessful and also, on appeal preferred by him, he was disappointed. Then he had recourse to the Municipal and Revenue authorities.

He then successively sent petitions to the Municipality, to the Sub-Collector, to the Collector, and to the Government.

The Municipality rejected the petition as being malicious and vexatious.

The Sub-Collector referred the matter to the Tahsildar; both of them, inspecting the site, refused to interfere.

The Collector referred the question to the Municipal Council which came to the resolution of sale of the site to the petitioners (please vide para 6 vide para).

The Government referred the matter to the Collector who in turn, referred it to the Sub-Collector for inquiry and report. At the time of the Sub-Collector's inspection, our opposite party planned a vicious trick of getting a heap of nuisance matter thrown into the site without the knowledge of the petitioners. The Sub-Collector not knowing the foul play of our opposite party, had to believe that the usual condition of the site was such. This wrong belief of the Sub-Collector occasioned the first order No. [illegible] dt 6.1.96 which the petitioners beg to be reviewed.

This belief of the Sub-Collector can not at all be true

i) in the absence of any complaint from the neighbourhood except from the only ill-intentioned Hanumantha Row

ii) on the strength of the official opinion that the site is not inconvenient and no nuisance to the public, — which opinion was expressed by

a) The Municipal Council who, with a sanitary officer among them, unanimously recommended the sale of the site (Vide the Resolution & the correspondence on the subject)

b) The Municipal Chairman who inspected the site more than once (Vide his report to the Collector)

c) The Tahsildar of the Guntur Taluq to whom the matter was referred for enquiry and report.

d) The Sub-Collector Parsons Esq. who (vide his report) enquired and assured that it is not necessary to interfere in the matter (His order)

e) The District Collector who agreed to the Municipal resolution to sell the site to the petitioners. (His letter to the Chairman). The correspondance connected with it are found in the Guntur Municipal office.

6 We therefore in conclusion beg that, taking into their kind consideration,

i) the fact that site in question is considered, on enquiry, to be no nuisance and not inconvenient to the public by so many experienced and responsible officers who in the end, have thought it advisable not to interfere in the matter

ii) the fact that the Government order No $\frac{3}{6-1-1896}$ was made without any representation from the petitioners

iii) the long enjoyment of 25 years by several bona fide private holders in succession (the petitioners being the third & the fourth in order)

iv) the fact that on the strong belief of the permanency of their title to the site, one of the petitioners bought a house which would otherwise be most inconvenient to dwell and be very much lowered in value and the other petitioner bought the site but for which his house would be most inconvenient for dwelling purposes,

also the fact that, with the same belief, strong walls were constructed to close the site by the petitioners at a very great expense,

the Government will be graciously pleased to review their order No $\frac{3}{6-1-1896}$ and to issue orders to the Guntur Municipality to extend the period of action to ~~quit~~ vacate the encroached site till their disposal of the matter in order that the poor petitioners may not unnecessarily be driven to the Civil Courts for redress, although they (the petitioners) can conclusively show that the Municipality has lost all claims to the site in question.

The petitioners beg to remain
Most respected Sir
Your most obedient servants

29/2/1896
Guntur

[illegible]

[illegible] 586 M [illegible] 21-2-1896 [illegible]

8/71

Restored on
23-2-71

CURRENT No.

( 1896. )

REVENUE DEPARTMENT.

Current Number, 1884.

Petition
From

N. Venkatanarasayya
and
M. Venkata Somayaji,
Guntur

Dated 29th Feb. 1896

Received 2nd March 1896

Enclosures 1

No. —

SUBJECT.

Requesting Govt. to review its
rder No. 3 d/ 6.1.96, and to issue orders
the Guntur Municipality to extend
period of notice to vacate the
ncroached site

ABSTRACT.

Handed over. 6/3

C.S.
misc.

Order. No. 586 Misc.
31-3-96

The Government sees no reason to reconsider its order.

V.R.
24/3/96

W.W.S.
26.3.96

31/3/96.

To,

The Petitioners.

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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# INDEXED.

## Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 31 – 3 – 96
No. 586 M.

When given for copying.

[Despatch Abstract.]

Petition

Informing N Venkata narasayya & M. Venkata Somayaji of Guntur that Govt. sees no reason to reconsider its order declining to sanction the sale of a piece of land encroached upon in the Guntur municipality.

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

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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