[L. & M.
3,000—19-11-96.]

INDEXED.

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 1147 M

DATED 10-5-97.

✓

DESPATCHED

[Despatch Abstract.]

Encroachment.

Requesting the C.M.C. Tuticorin to report the Council's decision on the desirability of filing a suit against the person who encroached on certain piece of land in the munty.

BACK PAPERS.

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

FURTHER PAPERS.

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

Ans.

Local & Munl. (1897) Department.

Rs

CURRENT No. 1790 M.

C Nos 1476 M of 96 & 1790 M of 97

Misc

Order. No 1147 M. mu. d/ 10. 5. 97

The Chairman is requested to report (thro' the Collr) to Government, the Council's decision in the matter referred to in para. 5 of the Collector's Endorsement.

10. 5. 7

V.R.
8/5/97

From The Collector of Tinnevelly.

Ref in Cctr's Cur **No.** 1953 of 1896

Dated 26th April 1897
Despd. 28th

Received 1 MAY 1897

Registered 1. 5. 97

Enclosures C. No. 1476 M. recd & 7 Enclosures including one plan ~~one file and one plan~~.

Spare copies

SUBJECT.

~~Endorsing~~ forwarding with remarks the report of the Chairman of the Tuticorin Municipality on the question of encroachment alleged to have been made by Lechumiah naidu and his brother in [illegible] lane Tuticorin.

To
The Chairman, M.C. Tuticorin,
thro' the Collector of Tinnevelly.

P End 440

Despd 14/8/97

1/97

4/715

BACK PAPERS.

G.O.	No.	Department.	Date.
Cus	2775	L/97	Lodged

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Encls: 1 ske & 1 plan. Rep: on Petition Cur No. 1953 of 96
26-4-97

LOCAL & MUNICIPAL DEPT
CURRENT No. 1790 M

Submitted to the Secretary to Government, Local and Municipal Departmen

2. The encroachment in question i marked as A in the sketch enclosed.

3. The Municipal Council tried a prosecution before the Bench Magistrates, Tuticorin, but failed in it. The Sub Collector, Mr Robertson was of opinion, after personal inspection that the decision of the Bench Magistrates was open to question and that this was a clear case of encroachment.

4. Latchmiah Naidu claimed the plot A under the strength of a Sale deed of 1870. This has not been produced or examined.

5. The Municipal Council will be requested to examine the title of Latchmiah Naidu to the plot A and

and consider the desirability of filing a civil suit against the encroacher who at present is Nallaperumal Pillai, the purchaser of Latchmiah Naidu's house and the plot A in question.

6. The civil suit referred to in para 4 of the petition to Government has no bearing upon the encroachment in question as it relates to an encroachment in a different part of the same lane — (plot marked B in the sketch) by some persons other than Latchmiah Naidu.

Subcollector in charge

Msp
28/4/97

LO
28/3/97

nd consider the desirability of filing a civil suit against the encroacher who at present is Nallaperumal Pillai, the purchaser of Latchmiah Naidu's house and the plot A in question.

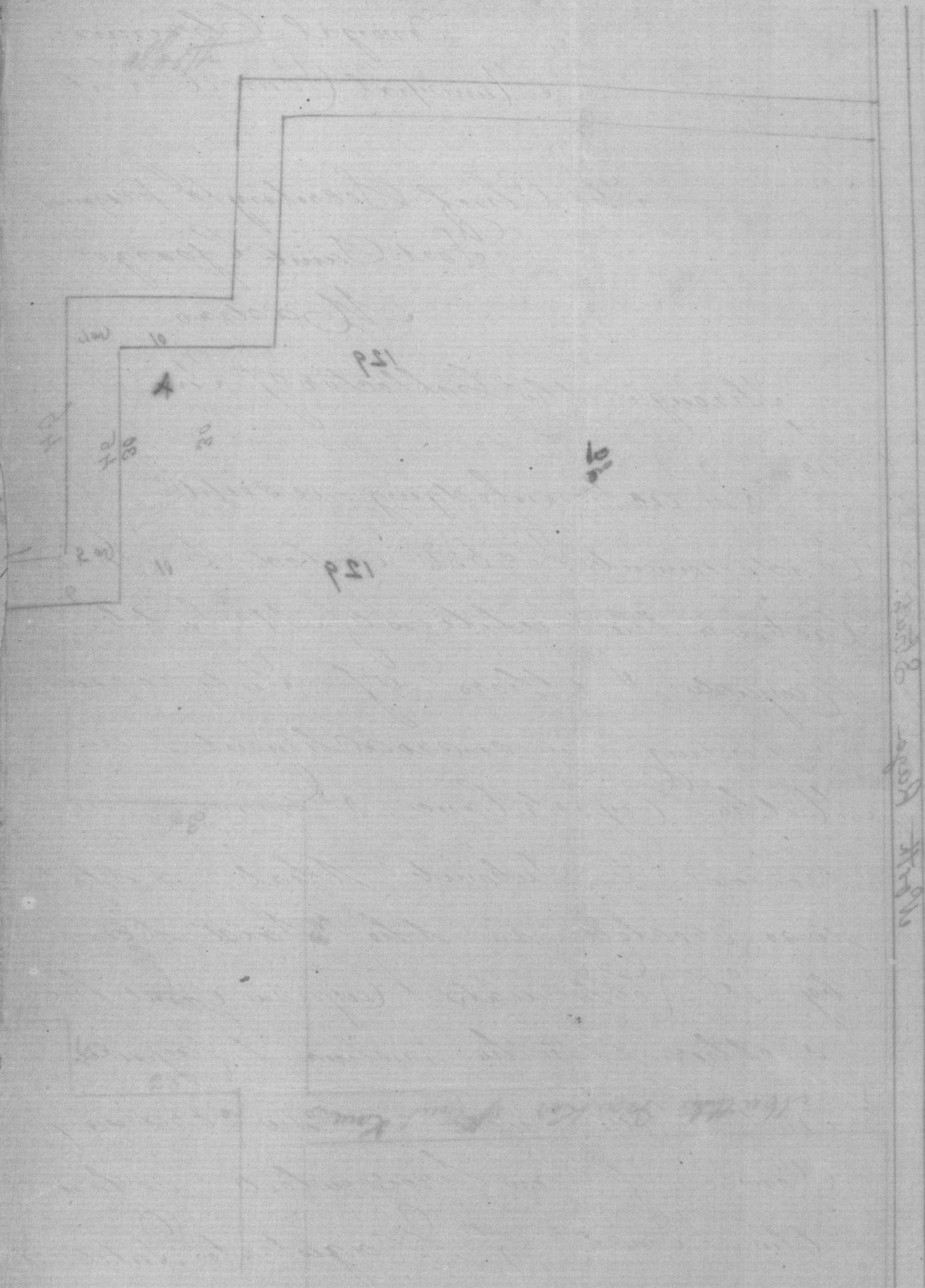
6. The civil suit referred to in para 4 of the petition to Government has no bearing upon the encroachment in question as it relates to an encroachment in a different part of the same lane — (plot marked B in the sketch) by some persons other than Latchmiah Naidu.

J. Price

Subcollector in charge

Msp
28/4/97

LO
28/4/97



1790. M. of 1897

No 351 Municipal Councillor's Office
Tuticorin 3rd September 1896

From
M. R. Ry. J. M. B. Roche Victoria
Avergal Chairman
Municipal Council Tutic

To
The Chief Secretary to Government
Fort Saint George
Madras.

Through the Collector of Tinnevelly

Sir,

In acknowledging receipt of Endorsement No 635 dated 6th June last, on the petition of M. Subba Nayadu & others of Tuticorin regarding an encroachment in Muthu Nayak lane, I have the honour to submit that a stable was erected in the said lane by V. Lechumiah Nayadu and his brother Muthu Krishna Nayadu and they were in the ordinary Course of law prosecuted before the Bench of Magistrates, Tuticorin & acquitted that there was no encroachment.

A petition was again received

from the Abovesaid M. Subba Nayadu & others that the Case was not properly enquired into; which was brought before the meeting of the Council & resolved that the Council Could not interfere.

The Judgment of the Case, the report of the Honorary Magistrates to whom it has been referred, and other papers Connected therewith are herewith Submitted together with the petition addressed to Government.

I have the honour to be
Sir,
Your Most Obedient Servant
J. M. Roche Victoria
Chairman

Cir 1549 Dept
96

From The Chairman
Municipal Council
Tuticorin

To

The Chief Secretary to Govt.
Fort Saint George
Madras
Local and Municipal Departt.
Through the Collector of Tinnevelly

TINNEVELLY
-4 SEP. 96
SUB-COLLECTOR'S OFFICE

Dated 3d. } September 1896
Despatched 3d. }
Received }

No 351

Enclosure . 5

Subject

Petition Cir. No. 1476 M
Submitting report on the encroachments alleged to have been made by Lechumah Nayadu & his brother in Muthu Nayadu lane - Tuticorin

---

Regd no 416

Reference 1549 ~~[illegible]~~ Ms.
96

Returned to the Chairman with the request that he will state whether the allegation in para 4 of the petition that the Council established its claim to the lane by a civil suit is correct & if so to forward all the papers in connection with the said suit. From personal inspection the undersigned is inclined to doubt the correctness of the decision of the Bench Mgts.

19/10/96
Ag Sub Collr

RECEIVED
9 96

Send the papers wanted

Sp 2/96

List of papers in Connection with Lechumah Nayadu encroachment Case

P.

1. Petition from M. Sooba Nayadu & others to His Excellency the Right Honorable the Governor in Council — 1.
2. Bench Magistrate Judgment — 1
3. Inspection report of an Honorary Magistrate — 1.
4. Petition from M. Sooba Nayadu & others to the Chairman Municipal Council — 1.
5. Resolution of the Council No 10 (J) dated 17th January 1896 — 1

Total — 5.

Ramasamy Pillai
Head Clerk

Sp. 2/96

Local & Municipal Dep

CURRENT No. 1445 M

To

His Excellency The Right Honorable
The Governor in Council
Fort St George
Madras.

The humble petition of the undersigned inhabitants of Muthu Naick lane, Tuticorin, Tinnevelly District, most respectfully showeth:-

1. That one Letchimia Naidoo and his brother Muthu krishna Naidoo, the former of whom is employed as Bill-collector of the Tuticorin Municipality have recently encroached upon the said Muthu Naick lane by erecting a stable to the inconvenience of the public. The said lane is clearly a thorough fare as is evident from Municipal Survey plan and as is adjudged by Civil Courts. The said path-way has been long used by the public and enjoyed as such.

2. This encroachment was reported by Ward Inspector and ordered to be prosecuted, but it was dismissed by the Sub-Magistrate without any enquiry and without even taking sworn statement from the said Inspector who filed the prosecution.

3 Thereupon the petitioners again submitted a petition to the Chairman pointing out the illegal proceedings of the Sub-Magistrate in the case and requesting him to move the District Magistrate to review the case, but the said petition does not appear to have received any notice of the Council.

4. In a similar encroachment in the same lane the present Chairman took a Civil action and got decree in favour of Municipality that the lane is a public path-way and it is strange that he ignored these facts and did not take any further steps in the matter.

5. The said Letchimia Naidoo was declared as insolvent by the District Munsiff's court, Tuticorin and yet he has been elected by the present Chairman as "Bill-Collector from amongst many applicants.

His brother Muthu Krishna Naidoo who is also one of the defendants is a Gumastah of the village Munsiff of the town who is also a Municipal Councillor and Honorary Magistrate.

6. The inconvenience which the public feel by the encroachment which has narrowed the path-way is very much and is likely to be dangerous at times of accident viz. fire etc.

7. The petitioners therefore pray that your Excellency be pleased to cause enquiry to be made by the Revenue Department on personal inspection of the place and order steps to be taken for the removal of the encroachment after prosecuting them again or by taking Civil action against them.

For this act of charity, the petitioners shall, as in duty bound, ever pray.

கேசவராயலு
அ. விஜயசாரதிநாயுடு
நாராயணசாமிநாயுடு
[illegible] நாயுடு
நாராயணசாமிநாயுடு
தாயுமானநாயுடு
வெங்கடாசலநாயுடு
கோவிந்தசாமிநாயுடு
அ. கிருஷ்ணசாமிநாயுடு
[illegible]
[illegible]

CHIEF SECRETARY
15 MAY. 1896
GOVERNMENT OF MADRAS

J.R. 18/5

18 MAY. 96

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

Municipal Dept.
CURRENT No. 1476 M

8696

TO BE RETURNED WITH REPLY.

From

M. Subba Nayudu and
other inhabitants of
Tuticorin

No. 635

Referred to the municipal Council, Tuticorin, for report, which should be submitted through the Collector.

By order
W. W. Phillips
Ag: Assistant Secretary

V. R.
2/6/96

No.

Dated Fort St. George – 6th June 1896.

Received 18-5-96

Enclosures

SUBJECT.

Praying that the encroachment made by the Bill Collector of the Tuticorin Municipality and his brother by erecting a stable to the inconvenience of the public in Muthu Naick lane may be ordered to be removed.

To
The Chairman, M.C. Tuticorin
(with Endorsement)

MUNICIPAL COMMISSION
11 DEC 95
TUTICORIN

INDIA ONE ANNA

[illegible]

[illegible]

7-12-95
தூத்துக்குடி

[illegible]
நாராயணசாமி நாயுடு
[illegible]

1270
95

addressed for enquiry.
The place too narrow
to escape in case of any
outbreak of fire during
heavy winds.

The Council
Commissioner for
vide Reso No
17-1-96

There was an encroachment
~~Case~~ in the land in
Muthu Nayak lane by Mayor from
enclosing it & making Sr Subba Naik & others
use of it for a stable. This Muthu Naik lane
was reported by Inspr & inspected
by Chairman & delegate Mr P. V. Conolly
The Bill Collr Lechumiah Naidu & his
brothers were prosecuted & the
former was acquitted under the
excuse put forth by him that
he is an insolvent & has no
claim to the property.
The other man is the ~~[illegible]~~ Street Magistrate
& he was acquitted also without any enquiry
by the Bench Magistrate.
This is illegal & the Collr (Dr Nagle) should be

Meeting
14/12/95

No 3/

Inspection report on B. Case No 679 of 1895. Encroachment by Letchumiah Naid & Muthukrishna Naidoo.

The 1st accused was discharged.

The place has been inspected by myself as well as by the 2nd class Magistrate, several spaces marked vacant in the Municipal plan are now enclosed, leavin the foot path mentioned in the said plan undisturbed. The land in question seem to belong to Muthukrishna Naidoo & his neighbour, & must be left vacant, bu I do not see how the Municipality can interfere in this for encroachment. Muthukrishna Naidoo has no permission from the Municipality to put up the pandal & the place if used for a sta is a great nuisance to neighbours.

(Sd) B. Gopalasamy

Honorary Magistrate

Tuticorin

25-11-95

J. M. Roche Victoria

Chairman

6/1290. 3. 397.

Extract from the Proceedings of the Municipal Council Tuticorin in their meeting held on Friday the 17th January 1896 at 5.30 P.M.

Present

M. R. Ry. J. M. B. Roche Victoria Avergal
Chairman

Y. L. Baker Esq

M. R. Ry. J. L. Motha Avergal
" J. Veeraragu Pillai Avergal
" Y. M. Ramkrishnasami Nayudu Garu
" C. Chinnasami Ayyar Avergal
" S. K. Mohidin Kadir Sheik Maulvi Avergal

Revd. C. P. Gnanakan B.A.

× × ×

10 (8) Read majar from G. Subba Nayaeh & others praying to move for re-enquiry into the encroachment case made by Muthukrishna Nayadu & others in Muthu Nayaeh Lane

The Council Cannot interfere

× × ×

(Signed) J. M. B. Roche Victoria
Chairman

(True Extract)

J. M. B. Roche Victoria
Chairman

1
1750. M. 7 1897

When given for copying
When copied 4 ih. 12/5
When examined 185 12/5 } 189
When signed 13/5

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

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—
A = Copy in full.
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