

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 1439 m

DATED

INDEXED.

[Despatch Abstract.]

Road

Com 49 to the P. W. D. letter from the Com^{rs}
Colacacum with the Collector's endorsement
thereon, regarding the ^{bindings on the sides to be opened up by} construction of the proposed
road from Church Hill to Lone-Lone in the
Colacacum Mully, & observing ^{that} in the referen
to para 7 of the Col^l's endorsement ~~that~~ the M^{ul}
Com^l has considerable powers under the Act to
regulate the construction & disposition of ^{such} build^{ings}

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1897) Department.

CURRENT No. 1932. m

Again go. to 1843. m. 830-10-96
+ c. no 1932. m. of 97.

From

The Collector of the Nilgiris

Misc.

Order. No 1439 m. mis. d. 18. 6. 97.

D No. 1024

Enclosure. m.

The Chairman's letter read alone, with the Collector's endorsement, will be communicated to the Public Works Department.

Dated 9.5.97.

Received 13.5.97

Registered 13.5.97.

Enclosures one.

Spare copies

SUBJECT.

2. With reference to the Collector's remarks in para. 7 of his endorsement, it is alleged that ~~the~~ ^{has very confidential} ~~the~~ ^{proposes} the municipal committee ~~under~~ ^{under} sections 180 to 181. B. of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, to regulate the construction & disposition of buildings.

Proposed New road

Forwarding with recommendation chairman's letter in regard to build sites and quassies in c with the — from the Hill to Love lane.

To the chairman, i.e., Colacum
a Public Works Dept

Drop 30/6/97.

No. 380.

Ootacamund Municipal Office,

23rd April 1897.



FROM

THE CHAIRMAN,

MUNICIPAL COUNCIL,

OOTACAMUND.

To

*The Secretary to the Government
Local and Municipal Department
Fort Saint George*

*Through,
The Collector of the Nilgiris.*

Sir,

In continuation of my letter No. 4096 dated the 6th January 1897, regarding the proposed new road from Government House lane past Clifton Grange, Bandy Shola, ~ Church Hill, Love lane &c., I am desired by the Municipal Council to state that the Sub Committee, appointed on the 6th January 1897 having gone over the proposed road and the line suggested in the letter above referred to, considers that a line going up to Shedd's Lodge, would not be nearly so convenient, for various reasons, to the public, and would be much more costly in execution and up-keep than one running above St Stephen's Church, which, with slight cutting, would give a gradient of 1 in 16, as far as the entrance

*142 h
3-2-97*

BACK PAPERS.

G.O.	No.	Department.	Date.
10	1054	h	2-5-97
"	142	h	3-2-97
"	1843	h	30-10-96
"	71	Legislation	14-2-96
"	143	h	30-1-95
"	79	h	16-1-96
"	124	h	22-1-96
"	24	Legislation	19-3-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

to "Lawistari," and from thence an easier gradient could be obtained by cutting through Mrs Morgan's and Mr. A. R. Hajee Fakir's horned Sait's properties, below Prospect Lodge, through the tea garden, joining Love Lane in a curve.

The Members of the Sub. Committee understand, that, Mr. A. R. Hajee Fakir Mahomed Sait would gladly give the land required for the road, and that Mrs. Morgan also will not object to the land required through her property, being taken.

2. With reference to the suggestions in para 3 of the Executive Engineer's letter recorded in G.O. no. 2843 W, dated the 2nd October 1896, I am to state that, under the opinion expressed in the preceding paragraph by the Sub. Committee, which the Municipal Council adopts, the properties of the Honorable Mrs Bliss, and Mr Winterlton will not be interfered with, and that Mr. Athilanda Dyer, the proprietor of the Sudor Hall estate being desirous of having a carriage road running through his property, in view to the building sites on it being made available for new houses, would not be unwilling to give such land as may be needed for a road.

3. As regards the suggestion in para. 4 respecting quarries, and the prevention of the use of the road for the conveyance of materials from

1843 W
30-10-96

80 4/9 W
24-3-93

Flag D.

from private quarries or the levy of a toll on each cart load of material, I am to submit that as the new road, as stated in para. 10 of the Executive Engineer's letter, "is not designed for heavy traffic," the question of levying a toll may be deferred for consideration till after the completion of the road. As regards the quarries, I am to state for the information of the Governor in Council, that the quarries on public land within Municipal limits are worked without payment of any fee, and that no toll is levied on any road over which the materials from the quarries are carted.

The Municipality has the sanction of the Government for levying the following fee viz:

For removing granite stones or blue metal from land or streams within Municipal limits per cart load Rs. 8, - but it has hitherto refrained from levying the fee being doubtful whether the amount realized would cover the cost of the Establishment required for its collection, and the enhanced rates which would most unquestionably be demanded for the material required for the up. keep of the roads within the town.

4. The suggestion in paras 5 + 6 of the letter regarding building sites and quarries and the demarcation of the sites for building

7. With reference to para 9 of the Executive Engineer's letter, the records of the Municipality, which was established in 1865, show that it had an Engineer up to the end of March 1895, as well as two Overseers, when in consequence of an anticipated loss of revenue it was found necessary to reduce the cost of the Public Works Establishment and the services of the Engineer were dispensed with, the Overseers being retained. The Municipality had all along the advice of the Sanitary Commissioner and the Sanitary Engineer on matters relating to the sanitation of the town, but the great difficulty which the Municipality had to contend with in adopting and carrying out such advice was the want of funds.

As regards the few new buildings which the Municipality put up, costing more than Rs 1000 each, the opinion of the Superintending Engineer was obtained under G.O. no. 124 In, dated 22nd January 1890, as modified by G.O. dated 16th January 1891, No. 79 L. For works of a sanitary nature estimated to exceed Rs 200 in cost, the plans and estimates were sent to the Sanitary Engineer for his approval. The defect in the law regarding the erection of buildings was brought to the notice of the Government, who deemed it unnecessary to take any special action with

with regard to it." G.O. no. 71, dated 14th September 1896.

Owners can however be required to connect their houses with the Municipal drain, and this will be insisted upon as soon as the town is provided with a proper system of drainage. It would be a most suicidal policy to allow any bazaars or native huts to be established near the high level road under contemplation, or near any of the "new houses" which may be built on the sides of that road, especially as no difficulty is experienced by persons living outside Municipal limits obtaining their supplies from the bazaars and shops in the town, and the people who may hereafter live in the "new houses" could obtain their supplies with far greater convenience as they would be much nearer the bazaars and shops than those living outside the town. As regards native huts see para 5. supra.

I have the honor to be,
Sir,

Your most obedient servant

W. A. Smith
Chairman

143h
30-1-95

Chairman of Om's report No ³⁸⁰
23-1-91
onwarded ^{with} the following remarks.
Para 2 of Mr. Aspitale's letter. I agree
with the Council that the road should
pass from the church to Love Lane
under Prospect Lodge.

The principle of betterment cannot
legally be adopted, owners cannot
be required to give land; Compensation
in money is easier and cheaper
than Compensation in land.

3. Para 4 Quarries cannot properly
be declared Forest Reserve, the road
could be closed to bullock carts
(though I should not advise this) but
if so it cannot be open to carts
carrying stuff from Government
Quarries. A special toll for stuff
from private quarries turns out of
the question.

4. Para 6. Building sites can be
demarcated only on Government
land.

5. Para 7. There is, in fact, no provision
of law to prevent owners building
when and how they please or to
prevent the formation of straggling
native villages.

6. Para 8 The powers of the municipalities to force owners to build with regard to Sanitary Conditions are very weak.

7. Para 9. I think that the ^{Sanitary} ~~Sanitation~~ which S. India possesses require greater powers than those given them by a Municipal Act framed primarily for towns on the plain. As the law stands at present however, private owners may do nearly what they please with their properties. So far, however, as concerns Government land to be opened out by the new road. Some such restrictions as those suggested by Mr Ashpitel might perhaps be adopted.

Please refer to
237 of the Bengal
municipal act
of 1861 & Secs
of the Punjab
municipal act
of 1864

A summary
for collector

Again G.O. No. 10, 1843/17, dated
30th October 1896 and C.O. 1932/1/97

For orders.

A

In the Government order read above, certain suggestions made by Mr Ashpitel for the regulation of buildings on the sites which would be opened by the proposed new road from the Church Hill to Love Lane, were referred to the Municipal Council of Cochin for remarks.

2. The Council's remarks contained in the Chairman's letter read above, which, with the Collector's endorsement, may, it is submitted, be communicated to the Public Works Department.

3. With reference to the remarks in para 6 of his ^{Chairman's} ~~letter~~ ^{endorsement} ~~report~~, it is observed, that, under sec. 180A of the Madras District Municipalities Act as amended, lay out that "if the Municipal Council see reason to object in respect of building to the levels, ventilation, drainage, latrine accommodation or any other particular required by the bylaws, they shall specify

the license the alterations in such levels, accommodation &c and the person to whom the license is granted shall be bound to carry out such alterations." It will thus be seen that the Council has no power to refuse to grant a license for the construction of buildings, and so long as the conditions imposed by it are fulfilled, there can be no objection to their construction. Section 237 of the Bengal municipal act

1884 and section 88 of the Municipalities act XIII of 1884, on the other hand -

give the an absolute power to the municipalities to refuse such permission for the erection of buildings. The municipal Council of Calcutta suggested in 1896,

that the regulations similar to those contained in Sections 236 to 244 of the Bengal municipal act, should be embodied in the proposed new municipal act, but it was decided to unnecessary to take any special action with reference to it, as being regard to the new provisions introduced in sections 179 to 181 B

263 and 264 A, which had been in suggestions, which emanated from the

Under the Punjab act the erection can be prohibited only if proved injurious to the neighbourhood. The Cts. w^o construe this most strictly inasmuch as each action interferes with a man's ordinary right to do with his own as he pleases. And even if the building is prohibited, the M.C. has to give full legal compensation. The Bengal Act is wider, but there also

Go. 24 Sep 19.3.96. B compensation must be made.

I think that if the M.C. works ss 180 - 181 B properly they can do all that is necessary

Go. 71 Sep 14.9.96 C

11/11/97

[Faint handwritten text, mostly illegible due to fading and bleed-through from the reverse side. Some legible words include: "The Council have been...", "The Council have been...", "The Council have been..."]

When given for copying _____
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189

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

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTERS OF GOVERNMENT

MENT WITH DITTO

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

N.B.—
A = Copy in full.
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