INDEXED.

al & Munl. (189) Department.

PRINTED.

G.O., No. 1465 M

DATED 21-6-97.

DESPATCHED

[Despatch Abstract.]

District Municipalities Act Amendment Act III of 1897.

Requesting certain Munl: Councils with remarks to submit their opinion on the question of appointing Secretaries as required by sec. 39A. of the Dt: Municipalities Act IV of 1884 as amended by Act III of 1897, restoring to the Munl Council Trichinopoly the privilege of electing its own Chairman; requesting the Munl: Council of Conjeeveram to state its objections if any to the restoration of this privilege to itself; & ordering the publication in the Fort St. George ~~Gazette~~ & all Dt: Gazettes for information & criticism certain draft rules framed under sect. 250 (1) (iii) of the Act for the [illegible] of Chairmen by the

BACK PAPERS.

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

FURTHER PAPERS.

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

Government (1897) of Madras.

LOCAL AND MUNICIPAL.

Recd. } 1897. Enclosures
Regd. } Spare copies

G.O., No. 1465 M., 21st June 1897.

JUNE.

District Municipalities Act Amendment Act III of 1897.

Requesting certain municipal councils, with remarks, to submit their opinion on the question of appointing Secretaries as required by section 39-A of the District Municipalities Act IV of 1884, as amended by Act III of 1897; restoring to the Municipal Council of Trichinopoly the privilege of electing its own Chairman; requesting the Municipal Council of Conjeeveram to state its objections, if any, to the restoration of this privilege to itself; and ordering the publication in the Fort St. George and all District Gazettes, for information and criticism, of certain draft rules framed under clause (*m*), sub-section (i) of section 250 of the amended Act for the interpellation of the Chairman by the municipal councillors.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

ORDER—No. 1465 M., dated 21st June 1897.

Clause 2 of section 39-A of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897, lays down that, unless the Governor in Counci otherwise directs, every municipal council which has during three consecutive finan cial years realized an average annual income of Rs. 30,000, excluding extraordin items of receipt, shall in the next succeeding financial year appoint a Secretary, that the Governor in Council may declare what are extraordinary items of re All such casual receipts as special Provincial grants and loans will be consider be extraordinary items of receipt for the purposes of this section, and, excluding the average annual income for the three successive financial years ending 1895–96 amounted to Rs. 30,000, or was in excess of that sum in the fol thirty municipalities :—

	RS.
Adóni	52,545
Bellary	81,331
Conjeeveram	37,508
Coimbatore	44,105
Cuddapah	49,022
Cocanada	47,954
Rajahmundry	34,347
Bezwada	37,531
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Madura	1,29,445
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Palghat	59,419
Tellicherry	44,974
Nellore	41,920
Coonoor	37,179
Ootacamund	82,242
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Cuddalore	47,648
Mangalore	42,536
Kumbakónam	73,379
Máyavaram	35,820
Negapatam	73,157
Tanjore	79,103
Tuticorin	36,855
Trichinopoly	1,12,134
Vizagapatam	44,148
Vizianagram	30,697

The municipal council of each of these towns will now be requested to submit its opinion, if it has not already done so, on the question of appointing a Secretary through the Collector of the district, who should also state his views on the subject.

2. The Government considers that, in order to enable municipal councils to secure the services of competent [illegible] the posts of Secretaries, the salaries fixed for the appointments should be [illegible] attractive. The following scale, based on the average annual revenue of the municipalities, will accordingly be suggested to municipal councils for consideration :—

In towns where the average income is—	Maximum salary of the Secretary. RS.
Above Rs. 75,000	250
Rs. 50,000 to Rs. 75,000	200
Rs. 30,000 to Rs. 50,000	150

The Secretary need not in all cases be an addition to the existing office establishment, for, with the appointment of a Secretary, the Manager will have his position materially altered and, in places at any rate where he is highly paid, his pay will be capable of substantial reduction. It should also be possible to discontinue the payment of carriage allowance to Chairmen wherever this system obtains, as, under clause 3 (*d*) of section 39-A, the Chairman can delegate most of his out-door duties to the Secretary.

3. In G.O., No. 1490 M., dated 14th September 1895, the privilege of electing its own Chairman was withdrawn from the municipal council of Trichinopoly and a paid Chairman was appointed by Government. In its resolution, dated 25th February 1897, the municipal council requested the restoration of this privilege, but in G.O., No. 935-A M., dated 22nd April 1897, the Government postponed the consideration of the question until the new Act should have come into force. His Excellency the Governor in Council is now pleased to restore to the municipal council of Trichinopoly the privilege of electing its own Chairman; and the following notification will be published in the *Fort St. George Gazette* :—

NOTIFICATION.

Under the provisions of section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, His Excellency the Governor in Council is pleased to cancel so much of Notification, No. 617, published at page 202, Part I-A, of the *Fort St. George Gazette*, dated 17th September 1895, as relates to the mode of the appointment of the Chairman of the Municipal Council of Trichinopoly, and to declare that, after the expiry of three months from the date of this notification, the Chairman of this municipality shall be appointed by election.

4. In G.O., No. 1894 M., dated 16th November 1895, the Government sanctioned the appointment of a paid Chairman for the Municipal Council of Conjeeveram, in order to deal with the question of encroachments in the town and to supervise efficiently the execution of the water-supply scheme. The period of eighteen months for which he was appointed will expire by the 30th September 1897, and as the appointment of a Secretary will relieve the Chairman of a considerable portion of his duties, His Excellency the Governor in Council proposes to discontinue the paid chairmanship and to restore to this council the privilege of electing its own Chairman. Under section 12 of the District Municipalities Act IV of 1884, as amended by Act III of 1897, the municipal council is requested to state its objections, if any, to this proposal.

5. The following draft rules, framed under clause (*m*) of sub-section (i) of section 250 of Act IV of 1884, as amended by Act III of 1897, for the interpellation of the Chairman by the municipal councillors, will be published, for information and criticism, with the accompanying notification, in the Fort St. George and all the District Gazettes :—

NOTIFICATION.

The following rules, framed under clause (*m*) of sub-section (i) of section 250 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, are published under sub-section (i) of section 256. Any objection or suggestion which may be made in respect of these rules by any person or persons interested in them will be considered on or after the 1st August next :—

Explanation.—In the following rules, "Chairman" includes the person for the time being in charge of the office of the Chairman under section 15 of the District Municipalities Act, as amended by Act III of 1897.

(1) No question shall be asked or answered at a meeting of the municipal council as to any matters or branches of the administration other than those under the control of the municipal council, and no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts. Except as thus provided, any question may be asked by any councillor, subject to the following conditions and restrictions.

(2) A councillor who wishes to ask a question shall give at least ten clear days' notice in writing to the Chairman or the Secretary of the council, if any, submitting in full the question which he wishes to ask.

(3) Questions must be so framed as to be merely requests for information and must not ask for the opinion of the Chairman or be in an argumentative or hypothetical form or defamatory of any person or section of the community.

(4) The Chairman may disallow any question without giving any reason therefor other than that, in his opinion, it cannot be answered consistently with the public interests, and in such cases the question shall not be entered in the proceedings of the council.

(5) The Chairman may, if he thinks fit, allow a question to be asked with shorter notice than ten days, and may in any case require longer notice if he thinks fit or extend, if necessary, the time for answering a question.

(6) When the Chairman has permitted the question to be asked, it shall be entered in the agenda paper for the day, and the questions shall be put, in the order in which they stand in the agenda paper, before any other business is entered upon at the meeting.

(7) In putting a question, it will be sufficient if the member by whom it was framed, or in his absence, if he so desires, some other member in his behalf, cites the number of the question on the agenda paper, and the answer shall be given either by the Chairman or by the presiding councillor.

(8) The Chairman may rule, at his discretion, that an answer to a question on the agenda paper, even though the question be not put, shall be given on the ground of public interest.

(9) No discussion shall be permitted in respect of an answer given to a question asked under these rules.

(10) The question asked, and the answer given to it, shall be entered in the proceedings of the council.

6. The Superintendent, Government Press, will print the required number of copies of the above notification in English and forward them to Collectors for circulation with the District Gazettes.

(True Extract.)

G. S. FORBES,
Secretary to Government.

To all Chairmen of Municipal Councils.
„ all Collectors.
„ the Superintendent, Government Press.
Gazette.

Exd. A. Raitt.

Government (1897) of Madras.

LOCAL AND MUNICIPAL.

Recd. } 1897. *Enclosures*
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G.O., No. 1465 M., 21st June 1897.

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Gazette Part I A.

GOVERNMENT OF MADRAS.

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Order—No. 1465 M., dated 21st June 1897.

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The municipal council of each of these towns will now be requested to submit its opinion, if it has not already done so, on the question of appointing a Secretary through the Collector of the district, who should also state his views on the subject.

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2. The Government considers that, in order to enable municipal councils to secure the services of competent men for the posts of Secretaries, the salaries fixed for the appointments should be sufficiently attractive. The following scale, based on the average annual revenue of the municipalities, will accordingly be suggested to municipal councils for consideration:—

In towns where the average income is—	Maximum salary of the Secretary. RS.
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The Secretary need not in all cases be an addition to the existing office establishment, for, with the appointment of a Secretary, the Manager will have his position materially altered and, in places at any rate where he is highly paid, his pay will be capable of substantial reduction. It should also be possible to discontinue the payment of carriage allowance to Chairmen wherever this system obtains, as, under clause 3 (*d*) of section 39-A, the Chairman can delegate most of his out-door duties to the Secretary.

3. In G.O., No. 1490 M., dated 14th September 1895, the privilege of electing its own Chairman was withdrawn from the municipal council of Trichinopoly and a paid Chairman was appointed by Government. In its resolution, dated 25th February 1897, the municipal council requested the restoration of this privilege, but in G.O., No. 935-A M., dated 22nd April 1897, the Government postponed the consideration of the question until the new Act should have come into force. His Excellency the Governor in Council is now pleased to restore to the municipal council of Trichinopoly the privilege of electing its own Chairman; and the following notification will be published in the *Fort St. George Gazette*:—

NOTIFICATION.

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Gazette
Part I. A

4. In G.O., No. 1894 M., dated 16th November 1895, the Government sanctioned the appointment of a paid Chairman for the Municipal Council of Conjeeveram, in order to deal with the question of encroachments in the town and to supervise efficiently the execution of the water-supply scheme. The period of eighteen months for which he was appointed will expire by the 30th September 1897, and as the appointment of a Secretary will relieve the Chairman of a considerable portion of his duties, His Excellency the Governor in Council proposes to discontinue the paid chairmanship and to restore to this council the privilege of electing its own Chairman. Under section 12 of the District Municipalities Act IV of 1884, as amended by Act III of 1897, the municipal council is requested to state its objections, if any, to this proposal.

5. The following draft rules, framed under clause (*m*) of sub-section (i) of section 250 of Act IV of 1884, as amended by Act III of 1897, for the interpellation of the Chairman by the municipal councillors, will be published, for information and criticism, with the accompanying notification, in the Fort St. George and all the District Gazettes:—

NOTIFICATION.

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Gazette
Pt I.A

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G. S. FORBES,
Secretary to Government.

To all Chairmen of Municipal Councils.
,, all Collectors.
,, the Superintendent, Government Press.
Gazette.

Exd. A. Raitt.

E 2601

Gen/28/

Government {1897} of Madras.

LOCAL AND MUNICIPAL.

Proof for approval.

Pres

Strike off as revised & Send Copies sharp.
T.K.R.
30/6/97

R.P.
30/6

Recd. }
Regd. } 1897.

Enclosures
Spare copies

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clause (m), subsection (1) of

a/

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clause (m) of
subsection (i)

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(True Extract.)

Secretary to Government.

To all Chairmen of Municipal Councils.
,, all Collectors.
,, the Superintendent, Government Press.
Gazette.

Exd. A. Reitt.

Action to be taken under the amended D.M. Amend- Act.

For Orders

w. p. 1465 M / 21-6-97

The Madras District Municipalities Act Amendment Act III of 1897, having now been brought into force by notification published at page 103 of the Fort St. George Gazette dated 4th May 1897, it has to be considered what action has to be taken by Government with refernce to the provisions of the new act.

2. The following are the points which require consideration:—

(1) Section 14 clause (3) of the amended act provides that "the municipal council may with the previous sanction of, and in ~~the~~ such manner as may be prescribed by, the Governor in Council, elect one of their number to be Vice-Chairman." It does not appear that Government need take any action at present in this matter. As the act does not make it obligatory on municipal councils to have a Vice-Chairman and as the proposal has to emanate from the municipal council, in the first instance, it is submitted that the question of granting ~~or not~~ this privilege may be considered when applications for the same are received from individual councils. Likewise, there does not appear to be any great urgency about prescribing the manner of electing the Vice-Chairman. This can well be done when the necessity for it arises; but if it is considered desirable to do this at once, it is submitted that the best course will be to frame ?under section 250 (1) (b) of the District Municipalities

Vide sec 14 of the amending act.

(Please quote correctly)
S.K.

I would get the rules ready now, but I don't know that there is any particular object in issuing them until they are actually needed. There is no particular harm in there being V. Chairmen but they won't do any particular good, so I think we may as well wait until some M. C. moves. If we issue the rules before then, we shall be inviting them all to move in a way.

The procedure for the election of a Vice Chairman may be precisely the same as for a Chairman vide G.O. 7-3-88 No 214 M (Key A). I doubt if "Chairmen" in sec. 250 (1)(b) includes the Vice Chairman; & apparently the rules sh'd be issued under s. 14 cl. 3 itself, which declares that the election shall be "in such manner as may be prescribed by the Gov't." I see no reason

2

Municipalities Act, a set of rules similar to those issued in G.O. No.214 M dated 7" March 1888 for the election of Chairman of municipal councils.

(Pla/A)

why they shd not be issued now – to be applied when any Council comes up to with a proposal for such an appt. which the Govt sanction

S.K.

(2) The next point is the appointment of paid secretaries to municipal councils. Section 39.A of the amended act says that "subject to the approval of the Governor in council, every municipal council may at a meeting, specially held for the purpose, appoint a person to be their secretary" and that " unless the Governor in Council otherwise directs, every municipal council which has during three consecutive financial years realized an average annual income of Rs 30,000 excluding extraordinary items of receipts, shall in the next succeeding financial year appoint a secretary". It is also laid down that for the purposes of this section the Governor in Council may declare what are extraordinary items of receipt. In G.O.No. 2069 M, dated 9" December 1895 the Government has directed that for the purpose of calculating the contribution for central office establishments, such casual receipts as special Provincial grants and loans should be excluded from the annual receipts of municipalities. The same principle may, it is submitted, be adopted for the purpose of arriving at the average annual income required by this section. The following statement shows the average revenue of the several district municipalities in this Presidency for the three successive financial years 1893-94, 1894-95 and 1895-96. —

Sec 34 of the amending Act.

Yes: there is of course the burden & responsibility of the admn. of the funds wherever they come from, but special grants & loans are only casual & dont represent the normal income

(Vide statement A annexed)

It will be seen from the above that there are

B

3 A

LOCAL AND MUNICIPAL DEPARTMENT.

(Municipal.)

Districts.	Serial Number.	Name of Municipality.	Average receipts of each municipality during 1893-94, 1894-5 & 1895-6.	Expenditure on supervision & office management in 1895-96	Percentage of expenditure on supervision & office management to total receipts in 1895-96.		
			Rs	Rs			
Anantapur ..	1	Anantapur ..	14622		6.7		
Bellary ..	2	Ádóni	52545	x	7.8		
	3	Bellary	81331	x	8.4		
Chingleput ..	4	Chingleput ..					
	5	Conjeeveram ..	37508	x	8.3		
Coimbatore ..	6	Coimbatore ..	44105	x	7.2		
	7	Erode	15763		7.7		
	8	Karúr	16214		7.1		
Cuddapah ..	9	Cuddapah ..	49022	x	7.3		
Ganjám ..	10	Berhampur ..	28174		8.9		
	11	Chicacole ..	23575		10.4		
	12	Parlákimedi ..	12886		7.9		
Gódávari ..	13	Cocanada ..	47954	x	13.8		
	14	Ellore	29324		7.5		
	15	Rajahmundry ..	34347	x	6.9		
Kistna ..	16	Bezwada ..	37531	x	6.9		
	17	Guntúr	41918	x	6.8		
	18	Masulipatam ..	52928	x	9.3		
Kurnool ..	19	Kurnool	34815	x	10.0		
Madura ..	20	Dindigul ..	26407		7.6		
	21	Madura	129445	x	6.1		
	22	Palni	12093		8.7		
	23	Periyakulam ..	12325		9.9		
Malabar ..	24	Calicut	64322	x	7.1		
	25	Cannanore ..	27524		10.0		
	26	Cochin	20369		10.8		
	27	Palghat	59419	x	6.1		
	28	Tellicherry ..	44974	x	7.9		
Nellore ..	29	Nellore	41920	x	9.6		
	30	Ongole	12140		11.5		

Districts.	Serial Number.	Name of Municipality.	Average receipts of each municipality during 1893-4, 1894-5 & 1895-6	Expenditure on supervision & office management in 1895-6			
			Rs	Rs			
Nilgiris ..	31	Coonoor	37179	x	11.6		
	32	Ootacamund ..	82242	x	11.0		
North Arcot ..	33	Gudiyáttam ..	15343		10.1		
	34	Tirupati ..	16258		10.7		
	35	Vellore	54052	x	8.4		
	36	Wálájápet ..	14290		8.5		
Salem ..	37	Salem	73587	x	9.0		
	38	Tiruppattúr ..	17944		8.1		
	39	Vániyambádi ..	16290		10.0		
South Arcot ..	40	Chidambaram ..	21908		7.0		
	41	Cuddalore ..	47648	x	8.7		
	42	Tiruvannámalai ..					
South Canara ..	43	Mangalore ..	42536	x	7.8		
Tanjore ..	44	Kumbakónam ..	73379	x	6.9		
	45	Mannárgudi ..	23292		14.6		
	46	Máyavaram ..	35820	x	6.5		
	47	Negapatam ..	73157	x	7.9		
	48	Tanjore	79103	x	8.0		
Tinnevelly ..	49	Palamcottah ..	23284		9.1		
	50	Srívilliputtúr ..					
	51	Tinnevelly ..	26059		9.2		
	52	Tuticorin ..	36855	x	6.7		
Trichinopoly ..	53	Srirangam ..	26694		7.5		
	54	Trichinopoly ..	112134	x	7.3		
Vizagapatam ..	55	Anakápalle ..	15251		8.3		
	56	Bimilipatam ..	13343		10.7		
	57	Vizagapatam ..	44148	x	9.6		
	58	Vizianagram ..	30697	x	10.2		

are now thirty municipal councils which ~~have~~ derived an average income of Rs 30,000 and above during the three successive years ending with 1895-96. Under section 39-A (2), these councils are bound to employ paid secretaries unless otherwise directed by Government. In five of these towns, however, Viz. Conjeeveram, Coonor, Ootacamund, Salem and Trichinopoly, there are at present full-time salaried chairmen; but as it is obligatory on these councils to have a secretary, unless it is decided otherwise, the paid chairmanship may be abolished. In Cocanada, where there was until very recently a paid chairman, the privilege of electing its own chairman has been restored — G.O. 557 M. d 16.3.97 (Kar C) — to the Council in anticipation of the appointment of a secretary; and in Trichinopoly the consideration of the question of granting a similar concession to the municipal council was postponed — G.O. 935 A.M. d 22/4/97 - Kar D — until the new act became law. In his note in G.O. No. 935 A.M. dated 22" April 1897, the Honourable Mr. Bliss remarked as follows.

" My view is that when the new act comes into force, we should take up this and similar cases and while restoring the privilege of election insist on arrangements being made for the appointment of competent secretaries ".

Of the five councils above referred to, Coonoor, Ootacamund and Salem are already in the enjoyment of the elective privilege. The only case which is similar to Trichinopoly is that of Conjeeveram. This Council was deprived of the elective privilege and is now maintaining a paid chairman

Coonoor & Ootacamund shd I think, for the present at any rate, retain their paid Chairmen. G.J.

Probably, but we can hear what the M.Cs say. H.B.

~~Conjeeveram~~
~~Trichinopoly~~
~~Salem~~
~~Cocanada~~

A.S.H.

G.O. 557 M. / 16.3.97 - C

G.O. 935 A.M. / 22.4.97 - D

D

I should write round to the thirty towns asking for opinion & telling them to submit through the Colr. & the Colr. to state his views. Let me see draft. H.B.

G.O. 393 M. / 27-2-97 - E

chairman, who was appointed for a period of eighteen months from 1st April 1896 and whose tenure of office as such, will cease by 30th September 1897. It is therefore submitted that in pursuance of Honourable Member's orders in his note above referred to, the right of electing their own chairmen may now be restored to the councils of Trichinopoly and Conjeeveram and all the thirty municipalities shown in the statement above referred to, may be asked to submit proposals for the appointment of paid secretaries. It is however for consideration whether having regard to the peculiar circumstances of Coonoor and Ootacamund the Government should insist on the councils of these towns appointing secretaries in preference to the existing system of paid chairmen.

$\frac{1894 M}{16-11-95}$ – (G) +

para 2 of the Chairman's report in G.O. $\frac{1602 M}{19-9-96}$ (H)

Yes

In the 2nd case from 30/9/97

Yes: & then we can consider any representations that may be made against the appt. in particular cases

See previous page

J

G.O.s $\frac{1454 M}{21-12-88}$ + $\frac{143 M}{30-1-95}$

The question of fixing the salary of the secretary is one which should be decided by the Municipal Council, in the first instance vide section 39-A, (3), (b); but it is submitted that the following scale based on the average annual revenue may be laid down for the guidance of municipal councils:-

See 34 of the amending act.

Class of towns according to the amount of revenue derived.	Maximum salary of the Secretary.
Above Rs 75000	Rs 250
50000 to 75000	Rs 200
30000 to 50000	Rs 150

This scale might be suggested

It may also be pointed out to municipal councils that the secretary need not in all cases be an addition to the existing office establishment. He will in most cases replace the manager, and where it is considered undesirable to do away with the manager's post all at once, the salary attaching to it should be greatly reduced. It should also be possible to discontinue the payment of carriage allowance to chairmen, wherever this system obtains, as the Chairman can delegate most of his powers and duties, except those relating to the conduct of proceedings at meetings, to the Secretary. vide section 39-A (3) (d).

Yes: with a Secretary a Manager will have his position materially altered, & in ~~most~~ places at any rate where he is highly paid, his pay will be capable of substantial reduction.

Certainly

Yes

S4 of the amending act

(3) Under section 250 of the act as amended, power has been taken to frame rules in respect of the following matters:-

(a) the conduct of enquiries relating to elections

(b) the "qualifications" and " reduction" of municipal servants and

(c) the interpellation of the Chairman by the municipal councillors.

The first of these matters may be considered along with the general revision of the Election Rules which will shortly be taken up. As regards the second, it is submitted that the question of amending the existing rules relating to the fining, suspension and dismissal of municipal servants may be considered when the necessity for it arises. As to the qualifications of municipal servants, it is a matter on which rules cannot be framed without first consulting the Director of Public Instruction, the Collectors of districts and the municipal councils, and besides there is no urgency about it. In this connection attention is invited to G.O. No. 2773 L dated 12" December 1893.

in G.O. $\frac{918 L}{28-5-97}$ I

Report may be called for from these authorities

Would let it alone for the present. We can't do everything at once

Flag F

It appears however that rules regulating

regulating the interpellation of the Chairman by the municipal councillors should be framed at once. As the privilege has been newly conferred the councillors will be ~~see~~ eager to exercise it and unless definite rules are laid down, the Chairman's position will be made extremely unpleasant. The following rules which have been adapted from those framed under the Indian Council's Act are suggested:-

HA | I donot think the privilege of interpellation can be exercised until the Govt. has laid down rules.
Perhaps we may ask ~~the~~ ~~[illegible]~~ Mun. Councils to report thro' Collectors.

HA | but the draft rules suggested wd. do very well & if Govt. approves may be circd. for the criticism of Mun. Cs. & Collectors G.K.

1. No question shall be asked or answered at a meeting of the municipal council, as to any matters or branches of the administration other than those under the control of the municipal council. and no question shall be asked except as to matters of fact, & the answer shall be confined to a statt. of facts - Except as thus provided any question may by any councillor be asked subject to the following conditions & restrictions.

2. A councillor who wishes to ask a question shall give at least ten clear days' notice in writing to the chairman or the Secretary of the Council, if any, submitting in full the question which he wishes to ask.

3. Questions must be so framed as to be merely requests for information and must not ask for the opinion of the Chairman or be in an argumentative or hypothetical form or defamatory of any person or section of the community.

4. The Chairman× may disallow any question without giving any reason therefor other than that in his opinion it canot be answered consistently with the public interests, and in such case the question shall not be entered in the Proceedings of the Council.

5. The Chairman may, if he thinks fit, allow a question to be asked with shorter notice than ten days; and may in any case require longer notice if he thinks fit, or extend, if necessary the time for answering a question.

-X- A definition clause or explanation will be inserted indicating that "Chairman" includes the ~~officer~~ person for the time being in charge of the office of "Chairman" under Sec. 15. ~~[illegible]~~

G.K.

HA
1/6/97

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6. When the Chairman has permitted the question to be asked, it shall be entered in the Agenda Paper for the day, and the questions shall be put, in the order in which they stand in the Agenda Paper, before any other business is entered upon at the meeting.

7. In putting a question ~~shall be read by~~ it will be sufficient if the member by whom it was framed, or in his absence, if he so desires, ~~by~~ some other member in his behalf, cites the number of the qn. on the agenda paper and the answer shall be given either by the Chairman or ~~some~~ presiding Councillor ~~other member~~. ~~whom he may designate for the purpose.~~

8. The Chairman may rule, at his descretion, that an answer to a question on the Agenda Paper, even though the question be not put, shall be given on the ground of public interest.

9. No discussion shall be permitted in respect of an answer given to a question asked under these rules.

10. The question asked, and the answer given to it, shall be entered in the Proceedings of the Council.

V.R.
14/5/97

H.C.

Please see marginal notes G.K. 28/5/97

	Rs
Madura	129445
Calicut	64322
Palghat	59419
Tellicherry	44974
Nellore	41920
Coonoor	37179
Ootacamund	32242
Vellore	54052
Salem	73587
Cuddalore	47643
Mangalore	42536
Kumbakonam	73379
Mayavaram	35320
Negapatam	73157.
Tanjore	79103
Tuticorin	38355
Trichinopoly	112134
Vizagapatam	44143
Vizianagram	30897.

The municipal Council~~s~~ of each of these towns will now be requested to submit ~~their~~ its opinion~~s~~, if it has ~~they have~~ not already done so, on the question

ask of appointing a ~~S~~ Secretary~~ies~~, through the Collector~~s~~ of the district ~~concerned~~, who should also state his ~~their~~ views on the ~~matter~~ subject

2. The Government considers that, in order to enable municipal councils to secure the services of competent men for the posts of Secretaries, the salaries fixed for the appointments should be sufficiently attractive. The following scale based on the average annual revenue of the municipalities will accordingly be suggested to municipal councils for consideration ,

In towns where the average income is.	Maximum salary of the Secretary
Above Rs 75000	Rs 250
Rs 50000 to Rs 75000	Rs 200

Note
Some of the Municipal Councils have already submitted proposals regarding the appointment of Secretaries.

Their proposals can be separately sent up for orders. HS

(8) Note
The proviso to section 12 of the Amended Act says that no notification cancelling or modifying a declaration under cl (ii) & (iii) of that section shall be issued without previous intimation to the Municipal Council of the intention to issue such notification & of the grounds thereof or without the consideration by the Govt in Council of the explanations & objections, if any, of the Municipal Council. In this case as a request or the Chairman has been made by the Municipal Council itself for the restoration of the privilege previous intimation is considered to be unnecessary.

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The Secretary need not in all cases be an addition to the existing office establishment, for, with the appointment of a Secretary, the manager will have his position materially altered and, in places at any rate where he is highly paid, his pay will be capable of substantial reduction. It should also be possible to discontinue the payment of carriage allowance to chairmen wherever this system obtains, as, under clause 3 (d) of section 39-A, the Chairman can delegate most of his ~~powers and~~ outdoor duties to the Secretary, ~~except those relating to the conduct of proceedings at meetings~~.

3. In G.O. No. 1490 M, dated 14" September 1895, the privilege of electing its own chairman was withdrawn from the Municipal Council of Trichinopoly and a paid Chairman was appointed by Government. In its resolution, dated 25" February 1897, the Municipal Council requested the restoration of this privilege, but in G. No. 935 A.M., dated 22" April 1897, the Government postponed the consideration of the question until the new Act should have come into force. His Excellency the Governor in Council is now pleased to restore to this Municipal Council of Trichinopoly the privilege of electing its own Chairman; and the following notification will be published in the Fort St. George Gazette:-

Notification

Under the provisions of section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, His

Excellency

Excellency the Governor in Council is pleased to cancel so much of notification No.617, published at page 202, Part I-A of the Fort St. George Gazette, dated 17" September 1895, as relates to the mode of the appointment of the Chairman of the Municipal Council of Trichinopoly, and to declare that, after the expiry of three months from the date of this notification, the Chairman of this Municipality shall be appointed by election.

4. In G.O. No. 1394 M, dated 16" November 1895, the Government sanctioned the appointment of a paid Chairman for the ~~Municipal~~ Council of Conjeeveram, in order to deal with the question of encroachments in the town and to supervise efficiently the execution of the water supply scheme. The period of eighteen months for which he was appointed will expire by the 30" September 1897, and as the appointment of a Secretary will relieve the Chairman of a considerable portion of his duties, His Excellency the Governor in Council ~~intends~~ proposes to discontinue the paid Chairmanship and to restore to this Council the privilege of electing its own Chairman. Under section 12 of the District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is requested to state its objections, if any, to this proposal.

5. The following draft rules, for the interpellation of the Chairman by the Municipal Councillors, framed under clause (m) of subsection (i) of section 250 ~~(i) (m)~~ of Act IV of 1884, as amended by Act III of 1897, will be published for information and criticism, with the accompanying notification in the Fort St. George and all the District Gazettes:-

Notification.

Note The portions in brackets appear to be necessary with reference to the last part of Sec 12 of the Act as amended.

G 8R

Transfer 8.R.

Notification.

The following rules framed under clause (m) of subsection (i) of Section 250 ~~(i) (m)~~ of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, are published under subsection (1) of Section 256 ~~(1), for information and criticism~~. Any objection or suggestion which may be made in respect of these rules by any person or persons interested in them, will be considered on or after the 1st August next:-

(1) No question shall be asked or answered at a meeting of the municipal council, as to any matters or branches of the administration other than those under the control of the Municipal Council, and no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts. Except as thus provided, any question may be asked by any Councillor, subject to the following conditions and restrictions.

(2) A Councillor who wishes to ask a question shall give at least ten clear days' notice in writing to the Chairman or the Secretary of the Council, if any, submitting in full the question which he wishes to ask.

Explanation - In ~~this and~~ the following rules, "Chairman" includes the person for the time being in charge of the office of the Chairman under section 15 of the District Municipalities Act as amended by Act III of 1897.

(3) Questions must be so framed as to

be

be merely requests for information and must not ask for the opinion of the Chairman or be in an argumentative or hypothetical form or defamatory of any person or section of the community.

(4) The Chairman may disallow any question without giving any reason therefor other than that in his opinion it cannot be answered consistently with the public interests, and in such cases the question shall not be entered in the Proceedings of the Council.

(5) The Chairman may, if he thinks fit, allow a question to be asked with shorter notice than ten days; and may in any case require longer notice if he thinks fit, or extend, if necessary, the time for answering a question.

(6) When the Chairman has permitted the question to be asked, it shall be entered in the Agenda paper for the day, and the questions shall be put, in the order in which they stand in the Agenda paper, before any other business is entered upon at the meeting.

(7) In putting a question it will be sufficient if the member by whom it was framed, or in his absence, if he so desires, some other member in his behalf, cites the number of the question on the Agenda paper and the answer shall be given either by the Chairman or presiding Councillor.

(8) The Chairman may rule, at his descretion, that an answer to a question on the Agenda paper, even though the question be not put, shall be given on the ground of public interest.

~~(9) No discussion shall be permitted in respect of an answer to a question on the Agenda paper, even though the question be not put,~~

shall

Gazettes:-

Notification.

48

~~shall be given on the ground of public interest.~~

(9) No discussion shall be permitted in respect of an answer given to a question asked under these rules.

(10) The question asked and the answer given to it shall be entered in the Proceedings of the Council.

6. The Superintendent, Government Press will print the required number of copies of the above notification in English and forward them to ~~the~~ Collectors ~~concerned~~ for circulation with the District Gazettes.

(From orders)

8

V.R.
12/6/97

SK
16/6/97

To

All Chairman, Municipal Councils.
,, Collectors.
The Superintendent, Government Press. ✓ 2/7/97

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3/7/97

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BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cur 3087 di/97							

Cir No 769 Mis
Cttrs Dis/in Rt 10 29/97

Local & Munl. (1897) Department.

Ads

CURRENT No. 2120 M

C. No. 2720. M. of '96 &
C. No. 13 & 2120. M. of 97.

From The Chairman
Municipal Council
Tuticorin

TINNEVELLY SUB-COLLECTOR'S OFFICE 22 MAY. 97

No. 282

Dated 18th May 1897

Received 2 JUN. 1897

Registered

Enclosures 4 ~~3 papers & sketch & 2 copies~~ file
& C. No 2721 M of 1896 & 13 M of 1897 retd

Spare copies

Misc.
Order No. 1466 M. mis. dt 23.6.97

The Government sees no reason to interfere as requested by the petitioners.

V.R.
7/6/97

Pris

There is nothing to show that the land alleged to have been encroached upon ~~was~~ is vested in the Muny as "street" or otherwise. The Govt. therefore sees no ~~suffic~~ reason to interfere with the action of the M.C. in the matter. If the land is public land belonging to the State it will rest with the Rev. Authies to vindicate the rights of Govt. if they have been usurped.

To The Petitioners.
Chairman, M.C. Tuticorin for.
The Collector of Tinnevelly.

SUBJECT.

Govt. Endorsement No $\frac{81}{28\text{-}1\text{-}97}$ on petition of Velayudam Pillai regarding the encroachment alleged to have been made at Perumalkoil.

Submitting the report called for.

S.R. 18/6/97

Curr 863
GC 4/97

Forwarded.

Shorn of irrelevant matter the only points are these
(1) Was the land ever a path
(2) Can the Municipality claim it
(3) Is it necessary?

(1) There is nothing to shew that it was a path.

(2) The temple authorities have been in possession for some time & though the burden of proof showing 12 yrs possession would lie on them, the Municipality has nothing to shew that it has any right to the land.

(3) From the Chairman's sketch the path does not seem to be necessary.

The only other matter which arises is the claim of Govt. to the land as it appears to have been classed as open ground and not as temple poramboke; the occupation of the temple authorities seems therefore to be an encroachment & in this case they would have to prove years possession

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

COLLECTOR & DISTRICT MAGISTRATE,
25 MAY 1897
TINNEVELLY.

E S Rice
Sub Coll
23.5.97

Dismissal No 1029/97

Submitted alongwit Municipal Endorsemen No 1206 dated 21st Octob 1896 on the petition of Velayudam Pillai and others, referred to the Chairman, Municipal Council for remarks.

2. The land in dispute is marked as a street in the Survey plan but it is not possible to state definitely whether it was really used as a path or whether it was a vacant land owned by the temple.

3. I think the Municipal Council ha for reasons given in

report, rightly declined to interfere in consideration of the long possession of the disputed land by the temple authorities. It is also reported that as a path the land is not necessary for the use of the public.

4. As regards the Sub collector's remarks that the land in question appears to have been classed as "open ground" and not as temple poramboke and that the occupation of the land by the temple authorities seems to be an encroachment, it has to be noted that the path in- [illegible] and the

site of the temple adjoining form part of a block of Natham land. Even if the land was vacant at the time of Survey, it could not be inferred that the temple authorities had no claim to it.

5. The petitioners, in their petition of the 21st October 1896, refer to complaints made to local officers about this encroachment in 1892. On receipt of complaint in 1892, the sub collector had the necessary inquiry made and referred the matter to the Municipal Council. A

S[illegible] as follo

Cur No 863

BACK PAPERS

ed to
report about the
encroachment. But
unfortunately the
matter seems to have
been then lost sight
of in the Municipal
office and the records
of inquiry sent by
the Sub-collector are
not now forthcoming.
6. On the whole, this
does not seem, in my
opinion, to be a case
in which the inter-
ference of the Govern-
ment or of the Mun-
icipality is called for.

Tinnevelly Collr's Office
dated 28th May 1897 } Collector

MCP 28/5/97 29/5/97

[illegible]
31 MAY 1897

No 282 Municipal Councillor's Office
Tuticorin 18th May 1897

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2120M

From

M.R.Ry J.M.S. Roche Victoria Avergal
Chairman Municipal Council
Tuticorin

To

The Secretary to Government
Fort Saint George
Madras

Sir,

I have the honour to acknowledge receipt of your Endorsement No 81 dated the 28th January last and to state that the subject was brought before the Council, discussed on the report of the Sub Committee and disposed of in their meeting dated 4th December 1896, copy of which is accompanying.

I shall now go in detail into the particulars of the petition and report as follo

The open space which lies South of Perumal Koyil and which the petitioners say has been encroached upon, has been for a long time in possession and enjoyment of the temple. It measures 234. feet long east to west and about 40 feet broad north to South blocked up in the east by a few buildings attached to the Perumal Koyil and Connected in the west with the west Car Street as will be seen from a Sketch enclosed as it stood in the Survey plan of 1872, in which the place is simply marked as open land without indicating that it is a Street while the other important Streets of equal size are named in the plan. Apparently besides, a line is also drawn in the Said plan on the eastern side north to South touching the outer wall of the temple building, which would evidently make one infer that the land Could not have been intended for a public Street. There is no need for a Second Street So broad as 40 feet while the main Cotton road which runs right up from the beach road to Palamcottah and Ettayapuram is only a few feet South of the land in question. No public purpose is served or is likely to be served by the existence of a Street over the land in question as it is blocked up on the east as already mentioned. It is a fact well known to all that open Spaces are preserved all round the recognized temples for the purpose of

Cutu 862

procession of the temple deities on occasions of festivals. The said places are known as Madavidis with houses constructed on either or both sides according to the circumstances of the temple and the space allowed just like the open spaces left on the north of the Perumal Koyil between the said Civil and Sivan Koyil. Palmirah and Cocoanut trees and other season vegetables have been planted in the said land and enjoyed for a long time by the temple authorities and are still in their enjoyment. Some of the signatories have their houses whose backyards border the said open space and consequently it will be serviceable to them as backyards if left open. The resolution of the Council on the subject

which the petitioners accuse as arbitrary was passed at a meeting in which 10 members have been present including the Sub Collector and other European Members. The matter was duly discussed & referred to a Sub Committee composed of myself who is a Roman Catholic Christian & Mr. Veeravagu Pillai, a Sivaite Councillor. The report of the Sub Committee was laid before a meeting of the Council, read and discussed and disposed of. To say that the resolution was got up by the influence of some of the members of the Vishnuva Sect viz Messrs Rama Kistna Sami Naidu and Annamalai Naidu is an uncalled for impeachment; for, as a matter of fact, none of the members ever sat in any of the meetings in which the subject was discussed. The Madras Bank's Cashier who is a member of the Vishnu Committee has no voice in the Council. The allegations made in para 2 & 6 of are simply nonsense to say the least of it.

(g) As regards allegations made against myself, I beg to report that the land spoken of here has been in possession and enjoyment about 30 years ago by Captain G A Phipps a retired Port Officer - Tuticorin who sold the property to Mr. Ignatio about 20 years ago and he sold it to my brother about 12 years ago. My brother disposed of the land and the bungalow some six to seven years ago in parcels to several persons of whom the petitioner Veloyudam Pillai himself has been one. Since the time the land came in possession of Captain Phipps and up to the present time there had been no contention whatever as to the ownership of the property nor did the Perumalkoyil temple authorities ever lay any claim to any part of the land. Such being the case the allegations made by the petitioners that I was partial in the matters of the disputed land fearing that my brother's land would be snatched away by the temple people is a too far fetched one and wilfully intended to mislead the Government.

The instances quoted as exposing the indifference of the Municipality in the matters of encroachments as shown hereunder are all nonsense.

1. M. S. L. G. Maharaja Pillai. It has been resolved by the Council to apply to Government for disposal of the bit of land lying in front of his house, as also other two lands, no doubt leaving sufficient space for the use and convenience

of the public. Meanwhile the Connected papers were sent for and the places inspected by the Sub Collector, in person who has also recommended disposal of the land in his disposal No. 519/97 dated 9th March 1897.

The necessary Application will be submitted to Government for sanction in due Course with plan.

2. R. 22. V. K. R. Kanagasabapathi Pillai

It does not matter much who Constructed the Compound wall of the temple. The encroachment which he is said to have made in East Car Street. Close to his house was not passed over by the Council unnoticed as stated by the petitioners, but on the Contrary the matter was a subject of prosecution before Mr. J. Stewartson the then Joint Magistrate who threw out the Case that the

the land has been the property of the said Kanagasabapathi Pillai

The pathway behind Gibson-puram was no doubt opened by the Revenue Authorities who only granted the land in parcels for dwelling purposes to the Talaya and masalgies of the Sub Collector's Office during the time of Mr. J. E. Gibson the then Sub Collecto who holds records in Connectio with the grant.

From the above it will be seen that the petition is only frivolous and vexatious besides it is signed by the leader Veloyudam Pillai & others whose relative positions to the lands I enumerate below to show that the petition is a farce and got up out of personal interest only. For Convenience sake I have marked the number in pencil to the names of the Signatories.

No 1 Veloyudam Pillai who has been the leader of the petition is a person whose house is situated just close to the land &c. I understand that he holds document defining that the northern boundary of his house is the temple land.

No. 2 & 3 are so called ~~protests~~ proxies for some persons who do not reside in the town.

Besides, the 3rd signatory is the cousin of the first.

4 and 5th are neighbours at the back of the land.

6 is the brother of the first.

7. is the son of the 6th aged about 14 or 15

8 is the son of the first aged about 13.

9 is the nephew of the first aged about 13.

The last three are school going boys.

I beg to enclose a copy of the resolution of the Council approving the reply of mine and a sketch together with the petition which is herewith returned

I have the honour to be
Sir,
Your Most Obedient Servant
JMB Roche Victoria
Chairman

Extract from the Proceedings of the Municipal Council in their Special meeting held on Saturday the 1st May 1897 at 5. P. M.

Present.

M.R.Ry. J.M.B. Roche Victoria Avergal
Chairman
" R. Muttia Fernandez Avergal
" T. M. Ramakistnasami Nayadu garu
" S. T. Moidin Kadir Shaw Marikar Al.
" P. Veeravagu Pillai Al.
" A. Ganapati Pillai Al.
Revd. C. P. Gnanakan B. A.

x x x

8 Read Chairman's draft report to Government on the petition of Veloyudam Pillai and others regarding encroachment by Perumal Koyil people.

The Chairman's draft is approved by the Council and will be forwarded to Government.

x x

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

" the land in question has been in possession of the temple authorities for an unknown period and the Municipality cannot interfere therewith.

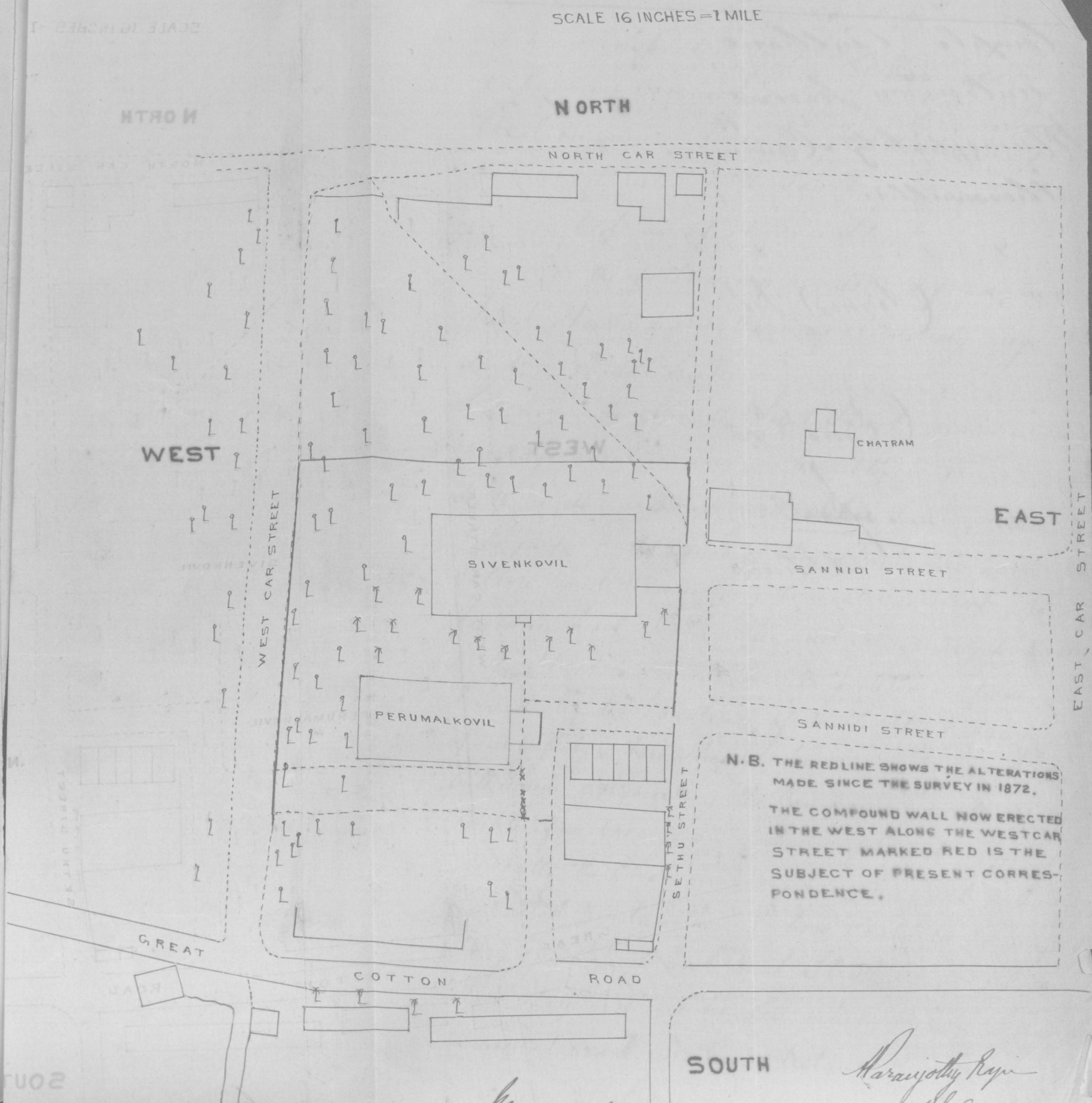
× × ×

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

(True Extract)

J M B Roche Victoria
Chairman

2
2120 M of 1897



N.B. THE RED LINE SHOWS THE ALTERATIONS MADE SINCE THE SURVEY IN 1872.

THE COMPOUND WALL NOW ERECTED IN THE WEST ALONG THE WEST CAR STREET MARKED RED IS THE SUBJECT OF PRESENT CORRESPONDENCE.

J M B Roche Victoria
Ml Chairman

Maraujothy Raya
Ml Overseer
12-5-97

C

2/20 M of 1897

Chairman

Report on the Case about the land South of Perumal Koil Western Tuticorin

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I have inspected the place perused all the papers in Connection with the Case and made local enquiries. According to the Municipal plan the vacant land to the South of Perumal Koil is marked as if it is a Street.

For the following reasons I find the Said land Should have been owned exclusively by the Said Perumal Koil.

In the plan the Said Street measures on an average about 40 feet in breadth i.e. from north to South with no houses on either Side; within a few yards to the South of this Street there is the main Cotton road Connecting the west Car Street and Amman Koil Sannadhi and running parallel to the Street in question. No public purpose is Served by the existence of Such Street. As a matter of necessity, there Should be vacant land as pathways adjoining the Compound wall of the temple for procession of the temple God as is generally the Case in every temple. Such pathways are Called Madavithis. There could be no necessity to lay open Such a broad Street in a place where there are no houses; while there is a main gravelled road, within a distance of a few yards to Serve the Same purpose as if Connecting west Car Street and Amman Sannadhi

The Said Street Seems to have been once opened only for the temple purposes by the temple authorities out of temple lands. There are only temple lands on all the other three Sides of this temple. There is no reason to Suppose the land adjoining the South wall of the temple Should not be the temple's private land. Very probabely the land in question might have been left vacant at one time, used also as Madavithi and the Survey officers might have taken it in the plan as a Street. The plan is no guide at all to determine ownership. It Simply marks vacant ground, as vacant ground, Streets and paths as Streets and paths. Some of Such lands or paths or Streets may be private properties. Besides, the Municipal plan and Survey plan differs as to the position of the Street in question. From local enquiry I find the land has been in the exclusive enjoyment of the temple authorities from time immemorial. There are full grown Cocoanut trees & Palmyra trees on the Site in question owned and enjoyed by the temple authorities.

With regard to the legal aspect of the Case it has now become a Settled law, that Municipal Council Should take proceedings within 12 years from date of dispossession. Under these circumstances I conclude that the land in question is the temple property. Some of the house owners about 3 or 4 in number

PR

whose houses Come between the land in question and the Cotton road, have now extended their buildings northwards and are now only in need of a pathway for their backyards. If the land in question be made a pathway, it will be useful for them and them only. I doubt the mazir which is the cause of this enquiry is Signed by Some of the said house owners or by persons who are interested in them. I also find Some of the house owners, have encroached upon the land in question. Such encroachments are matters to be Settled among the temple authorities and the house owners who are Concerned in them.

23-11-96.

Tuticorin

Sd. P. Veerabagoo Pillai

Ml. Councillor.

On reference to the plan I find that the land in question is left blank. Signifying that it was a vacant land or Street, but there has been no name to the Said Street. There is no doubt the land was in the possession of the temple authorities from very long time. They have cultivated the land planted Cocoanut, Palmyra trees &c. and have been enjoying all the produces. Therefore it is very doubtful if the Municipality will gain anything by going to law. I understand that three or four house owners who have been making So much ~~fuss~~ fuss about it h documents to the lands on which they have erected houses specifying that this disputed land is the temple land. It will no doubt be very handy for those three or four house owners if this is made a street, for it will serve them very well for their backyard

Sd. J. M. B. Roche Victoria

2/12/96.

(True copy) S

J. M. B. Roche Victoria

Chairman

2020 of Pub 1897

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[L. & M.
1,000—28-10-96.]

Local & Munl. (1897) Department.

CURRENT No. 13h

Meeting with Chairman's motion

~~Order~~ No 81

From
V. Velayuthum Pillai and others
Tuticorin.

Referred in continuation of Endorsement No 1206 dated 21st October 1896 to the Municipal Council Tuticorin for early remarks, which should be submitted through the Collector

G. Forbes
Secretary to Government

V. A.
26/1/97

Fort St George
28 January 1897

No.

Dated 29-12-96

Received 4-1-97

Registered

Enclosures

Spare copies

SUBJECT.

Praying that the Revenue authorities may be directed to take necessary steps for restoring certain closed up street to its former state for the public utility.

To
The Chairman, Municipal Council
Tuticorin

23/1 a/25/1/97

BACK PAPERS.

G O.	No.	Department	Date.
Ent	1206/96.		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 17½

To

The Secretary
Municipal & Local Fund
Department
Government of Madras

The humble petition of the undersigned inhabitants of Melur Tuticorin town, Tinnevelly District

Most respectfully showeth,

That the inhabitants humbly beg to submit that they sent in a petition to Government on 5th October last, regarding a street, branching off from the Amman Sannadi Street and joining the west car street; South of Perumal Koil temple (vide enclosed sketch) having been encroached upon by the Vishnu temple authorities to the great inconvenience of the public matter t also goes so far as to induce the other Commissioners to vote in conjunction with him for dropping the matter of encroachment, considering their action a res judicata.

(b) Mr. Annamalai Nagadu another Member of the Municipality is a trustee of Vishnu temple in question and has therefore materially assisted in carrying out the above object.

(C) One of the Vishnu Committee member, though not a Commissioner is a Cashier in the Madras Bank where traders generally raise loans for their trades.

(d) Almost all the Municipal Commissioners of the town are either merchants or Brokers.

(e) The majority of the Commissioners are natives.

(f) The masonary wall was

constructed at the cost of certain merchants on behalf of the temple.

(g) The Chairman's brother has in his possession of a piece of land and well therein which was once a site of the old Vishnu temple. This he did not purchase from the temple authorities, consequently he (chairman) appears to have sided the Vishnu authorities in closing the Municipal Street for fear that his brother would be stripped off that piece of Vishnu temple old site which he is occupying unmolested, south of the Great Cotton Road. Thus every one of the native Commissioners of the Municipality having a reciprocal interest, has passed the above resolution.

As an instance of the Municipal indifference in disposing of encroachment cases by a trader who has some some influence, the following may be submitted for your honor's kind perusal.

That one M. S (C. O. S.) Maharaja Pillai, although he has plenty of land has encroached up upon the north Car street of the Melur town to an extent of 43' x 6½'. It appears that the municipality has applied for a formal sanction of Government to make over the land in question on receiving a compensation of Re 1. per sq. yd, while one Virapathra Pillai in the South Car street has disposed of his land at the ~~E~~ rate of Rs 3½ per carpenter's square yard. It is a wonder why it did not strike the Commissioners when they passed this resolution that they would stand in need of spaces on road side for stor up materials for repair, and even if they do not consider the encroached space to be necessary they should have consulted with the current land price in computin the compensation. The petitione also hear the Government has ruled that vacant spaces lying within 200 yards of the Railway line, should not be disposed of. Further the road in question is not a lane unfrequented by the public but it is one of the most important ones for drawing a big car newly constructed at a cost of Rs 12000. Further more the width of the road in question inclusive of the side space lately encroached upon by Maharaja Pillai is just sufficient to admit the wheels of the car. The building put up on the encroached site is not in contiguous line with adjacent buildings. Encroachment cases in which the Municipality take criminal steps are generally those concerning poor inhabitants living from hands to mouth or having no influence over Municipal Commissioners

The merchant that is concerned in the construction of the wall (Compound) in question is one D. S. Ry. Kanagasabapathia Pillai who himself made an encroachment close to his house consequently he has been bold enough to take a leading part in the encroachment on behalf

of the Vishnu temple.

That it was already brought to the notice of the Sub Collector that the Municipality would not take steps in encroachment cases in the towns as the path behind Gibsonpuram had to be opened through the means of records obtained by Revenue authorities vide the their first petition dated 23-7-92.

From the above it may be inferred that the Municipality was very indifferent in dropping the matter of encroachment of a whole street which is used for a long time by the public as shown in the Municipal & Survey plans.

If the Government is pleased to order the Municipality to submit a plan drawn scale of the town, as it is at present and compared with the old one, the encroachment cases will be obvious and the carelessness of the Municipality will be plain. The records in possession of the temple authorities will actually show the real extent of their lands.

The petitioners therefore humbly pray that your honor may graciously be pleased to direct the Revenue authorities to ~~th~~ take necessary steps for restoring the closed up street to its former state for the public utility.

Dated Tuticorin
29th December 96.

(1) [illegible]

(2) [illegible]

(3) [illegible]

(4) [illegible]

(5) [illegible]

(6) [illegible]

(7) T. Sambanthamurthia pillai

(8) V. Kaliani Shanmuga Sundram Pillai

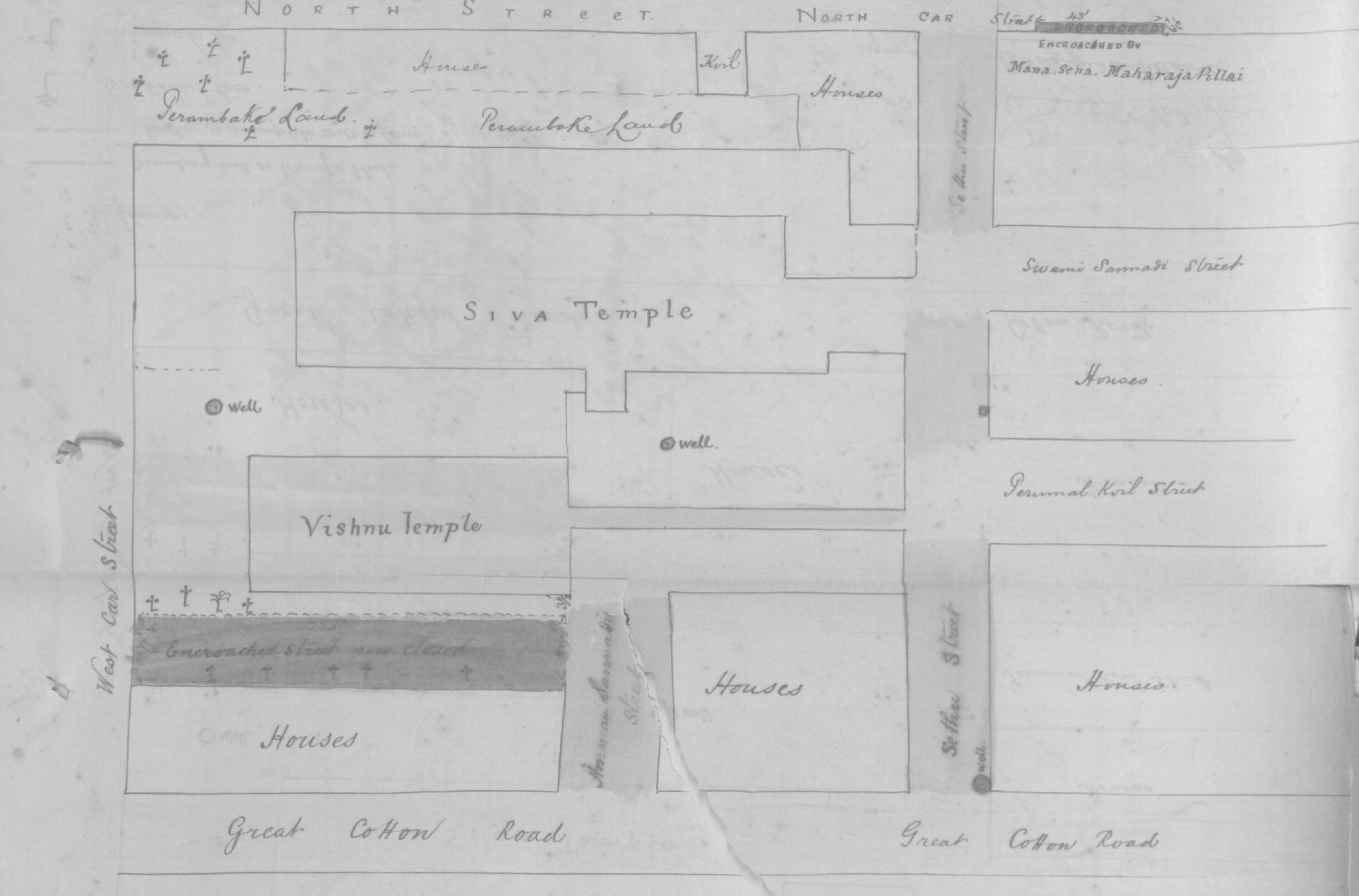
(9) M. Virarajia Pillai

SKETCH

OF

TUTICORIN SURVEY No 216.

VISHNU TEMPLE AND ENCROACHED STREET.



Reference:

— Boundary wall or line of a block.

- - - Broken or incomplete wall & fence

🌴 Cocoanut tree

† Palmyrah tree

═ Gravelled Road

▬ Encroached Street & Encroached Space on the Road Side.

▭ Ungravelled Street & portion of Street

×

Signed in tamil Velayudam Pillai &c

PR

R No 623

[L. & M. 500—12-8-95.]

Local & Munl. (1896) Department.

CURRENT No. 2720 M

~~Order~~ No 1206

Referred to the Municipal Council, Tuticorin for early remarks which should be submitted through the Collector.

(By order)

W. W. Phillips
Ag Asst Secretary

V.R.
17/10/96

Fort St George }
21 October 1896 }

From V. Valayatham Pillai & others
Tuticorin

No.

Dated 5-10-96

Received 8-10-96

Registered 9-10-96

Enclosures

Spare copies

RECEIVED
13 OCT 96

To
The Chairman M.C. Tuticorin

SUBJECT.

Praying that in the circumstances stated the street between Ammansannadi and West Car streets to the South of Perumal Temple, which has been encroached upon and shut by the temple authorities may be ordered to be re-opened for the public use.

14/10.

a/ 17-10-96

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

As this is only a reminder one
anna stamp is affixed

To

The Sub Collector
Tinnevelly District
Tuticorin

The humble Mahzar of the undersigned inhabitants of the western portion of the Tuticorin town termed Melur

Most respectfully Showeth

That the petitioners submitted to your honor a Mahzar some two years back praying for the reopening the pathway to the South of Perumal koil leading from Amman Sannadi to west car Street and in which it was also brought to your honor's kind notice

I That the existence of the pathway is clearly established both by the Survey and Municipal plan

II That one Rungasamy Naidu & another and others have made encroachme

in the pathway and converted
it into a garden

iii That little or no attention is being paid by the Municipal authorities to encroachment cases in the town and therefore prayed for a reference of the matter to the revenue authorities in order, to obtain the redress sought for as in the case of the pathway behind Gelisonpuram

2 That the mahzar under reference was accordingly transferred to the Deputy Tahsildar who enquired into the matter and reported to your honor that the pathway should be reopened as it was an obstruction caused by the said Rangasamy naidu and others The pathway was also left open after the depty Tahsildar's enquiry and it is now closed again and converted into a garden as before

3 And that they therefore pray your honor be graciously be pleased to kindly peruse the records obtained by the deputy Tasildar and pass yearly orders for the permanent reopening of the pathway and render justice to the public

For which act of charity and benevelence the petitioner shall as in duty bound ever pray

(True copy)

7-3-96 }
[illegible] }

To
The Collector
Tinnevelly

The humble petition of the undersigned inhabitants of the western part of the Tuticorin Town formed Malai

Most respectfully showeth

That the petitioners submitted a Darkazar in July 1892 to the Sub Collector praying for the opening of the path way existing between Amman Sannadi and west car Street and to the South Perumal temple submitting the factors as below, as the Street is of immense use whenever any accident fire happens in the houses as it is an uncommon occurrence in the town especially during the prevalance of western wind.

2

The excistance of the path-way has been established both by the Survey and the Municipal plans. One Rengasamy Naidu of Authur and others have made an encroachment and the same & converted it into a garden. The matter was not referred to the Municipality as they pay little or no attention even in clear encroachment cases, because the lane behind Yepsonpuram was only opened on papers obtained by the Town Dty Tazildar in his enquiry.

That the Mahazar was as prayed for transferred Deputy Tazildar who enquired the village curnam, the Municipal Overseer and ~~the~~ other parties concerned about the encroachment and decided that it is an obstruction to the public path, consequently the street was left open and the removed.

That finding that they were not compelled either by Revenue authorities or by Municipality to lay open the path permanently they again encroached upon the land and put up the fence as before converting the enclosed space into a garden

That another reminder petition was therefore submitted on the 7th March 96 last to the Sub-Collector for which also they received no endorsement.

That it is now nearly four year since the submission of the Mahazar in connection with this obstruction yet no decided order has been passed either by the

Sub Collector or by the Municipality And the result communicated to the petitioners through the endorsement of the obstruction removed permanently in the interest of the public

That the petitioners therefore most submissively pray your honor ~~with~~ be graciously pleased to take into your honors consideration the above facts and render justice to the public by permanently laying open the pathway at upon

For which Act of Charity the petitioners shall as in duty bound ever pray

27th April 1896 }
Tuticorin }

(True copy)

To

The Chairman
Tuticorin Municipality
Tuticorin

The humble petition of the undersigned inhabitants of the western part of Tuticorin termed Melur

Most respectfully showeth

That on the 13th July 1892 a Mahazar was submitted to the Sub Collector for opening a Street running between the west Car and Amman Sannadhi Street And to the South of Perumal temple which was encroached upon by Author Ramasamy Naidu and others late trusted into a garden

2 The existence of the Street in by the Survey and Municipal plans and the encroachment is this very pla

3 The same Mahazar was reffered to the Deputy Tahasildar Mr Maharaja Pillai who enquired into the

matter after the local inspection of the Spot submitted a report with the Statements obtained in to the enquiry that the Street has been Actually encroached upon and recommended that the Same Should be laid open for the use of the public

4 The above report, the petitioners hear was forwarded by the Sub Collector to your honour's office for laying open the Street as the Spot Specified there in lies with in the Municipal limit

5 Apparently no permanant result was known except that the Street was laid open after the Inspection of the Deputy Tazeldar for Some time and then again closed and heated as before and on which another petition was Submitted to the Sub Collector on on the 7th March last

6 Finding that no final result is known for so long a time a petition has also been submitted to the Destrict Collector on the Subject on 27th April last.

7 The petitioners now hear that Annamalai naidu and others the present trustees of the temple are arranging to errect a Substantial Compound wall across the disputed Street for which materals are being brought to the work Spot. If time is allowed to pass the petitioners fear that the Compound wall will be erected and the matter will have to be refered to the civil authorities

(8) Under these circumstances the petitioners most respectfully beg your honor be graciously pleased to personally Inspect

the Spot with reference to the papers now before your honor and the plans above alluded in para 2nd and render justice to the public by laying open the Street.

For which Act of Charity the petitioners shall as in duty bound ever pray.

23rd May 1896 }
Tuticorin }
(True Copy)
(Sd.)

To

The Collector Tinnevelly

The humble Mahazar of the undersigned inhabitants of Melur Tuticorin most respectfully showeth

That on 27th April last the Mazadar submitted a petition praying for the opening of the street running between Amman Sannadi and west Car Street and exactly to the South of Perumal temple which the temple authorities have encroached upon and converted into a garden and on 23rd May last the petitioners invited a kind attention of the Municipality to this encroachment brought to their notice that materials were being brought for the construction of substantial compound walls on both sides of the Street to claim exclusive previlege to the land under dispute. They are not as yet pleased to any notice of it till now. Yesterday the Compound wall is under construction and a telegram has therefore been submitted to your honor as follows—:

"Street encroachment: Parties erect walls. Municipality ni-interfering. Pray injunctions Petition follows."

The temple authorities have also removed the barrier wall between the garden proper, of Perumal temple and the street now under reference at mid night by employing about 25 Coolies. It is a pity that one of the two commissioners for the Malur ward is completely absent from the town having

having been engaged in his Sugar factory work at Tinnevelly and the other gentleman is not pleased to stir out of his house to see the state of the Sanitation and encroachment cases.

Under these circumstances the Mahazardars most respectfully pray your honor be graciously pleased to take into your honor's kind consideration and render justice by leaving the street open for the public convenience

For which Act of kindness the petitioners as in duty bound ever pray

25th September 1896 Tuticorin } (True Copy)

2 25-9-96

மகாராஜஸ்ரீ தூத்துக்குடி முனிசிபல் சேர்மனவர்கள்
சமுகத்துக்கு

ஊழியராகிய இதனடியில் கையெழுத்து வைத்திருக்கிறவர்கள் வணக்கமாய் எழுதிக்கொண்ட மகஜர்நாமா

யென்னவென்றால்

1 அம்மன் சன்னதிக்கும் மேலரதவீதிக்கும் மத்தியிலுள்ள ராஸ்தாவைப் பெருமாள் கோவில் தர்மகர்த்தாவானவர் அக்கிரமமாகத் தடுத்து தோட்டமாக்கிக்கொண்டு இருப்பதுவே அதை வழக்கம்போலே பொதுஜன உபயோகத்திற்காகத் திறந்துவிடவேணுமென்று சென்ற மேய் மீ 23உ [illegible] தீர்மானஞ் செய்திருப்பதாகத் தெரிந்தும் யாதொரு உத்தரவுங் கிடைக்கவில்லை.

2. [illegible] முனிசிபல் [illegible] தெளிவாய் எழுத [illegible] பொதுஜன உபயோகத்திற்குத் [illegible] இருந்தும் [illegible] பொதுஜன உபயோகத்திற்குத் திற [illegible] முனிசிபல் [illegible] [illegible] எடுத்துக்கொள் [illegible] வதமாக [illegible] கவலிறல் [illegible] யென்று கொண்டு [illegible] செய்கிறார்கள்.

மேற்படி சமுகத்துக்கு [illegible]

3 [illegible] தெளிவாயிருக்கிறது. [illegible] முனிசிபல் [illegible] [illegible] அநியாயமாயிருக்கிறது.

4. [illegible] பெருமாள் கோவில் [illegible] மத்தியில் [illegible] 10 [illegible] [illegible] [illegible] க்கிறார்கள்.

ஆகையால் கிருபை செய்து [illegible] கேட்டுக் கொள்ளுகிறோம்.

True Copy

25. 9. 96
Tuticorin

To

The Secretary
Municipal & Local Funds Dept.
Government of Madras
Madras.

The humble mahzir of the undersigned inhabitants of the western part of Tuticorin termed Melur.

Most respectfully sheweth:-

That the mahazirdars submitted a Petition on 13th July 1892 stating that the street between the ammansannadi & West Car streets to the south of Perumal Temple, has been established both by the Survey and Municipal plans, which the Temple Authorities & others have encroached upon and Converted into a Garden, and prayed for the opening of the street through Revenue Authorities as in the Case of the street behind Gibsonpuram, the municipality paying little or no attention to encroachment Cases. The Petition was accordingly referred to the Deputy Tahsildar who enquired the Petition Subba Naidoo late trustee of the Temp and the Municipal overseer & the Village Kurnum, and recommende to the Sub. Collector that the street should be opened for Public utility. Imme:diately after the Depty Tahsildar's inspection the street was temporarily left open for public use a barrier mud wall having been laid between the Temple Garden (proper) & the street in question. The Papers were transferred to the Municipality, the Petitioners hear, for opening the street, the same being Municipal land. No apparent Good has resulted as neither the street was opened for the Public use as prayed for, nor the Petitioners were favored upto date with any endorse:ment for their long silence without taking any steps in the matter.

Thus the Petitioners patiently waited till the 7th March last when they sent a reminder Petition to the Sub Collector submitting the above facts, & that the street has been closed again as before, and prayed for early orders for the opening of the street.

On 23rd May last they also sent in a Petition to the Municipal Chairman submitting the above facts & praying for the opening of the street. In thes

(Petition

Petition they also brought to the notice of the Chairman that materials are being Collected for erecting a substantial Compound wall across the street at one end of it, and if time is allowed to pass, the Compound Wall would be raised and the street may perhaps, have to be opened having recourse to Civil Authorities.

On the 24th Inst. the Parties having actually taken up the work of Constructing the Compound walls a telegram was despatched to the Collector as follows:-

"Street encroachment. Parties
"erect walls municipality
"uninterfering Pray injunction
"Petition follows"

And also submitted a petition on 25th Inst. clearly stating the above facts & that the barrier mud wall referred to in para has been entirely removed by engaging about 25 Coolies at Midnight, & one of the 2 Commissioners for the ward is always at Tinnevelly has

(been

been engaged in the Construction of a Sugar Factory there & the other Gentleman will not stir out of his house to look to the sanitation of the ward.

These facts have also been brought to the notice of the Chairman on the 25th Inst. and prayed for the removal of the obstruction in the interest of Public utility.

The street in question is of immense use for the Public as the Town is becoming densely populated every year while the havoc of Fire is of no uncommon occurance in Inticorin where good number of houses are being lost every year in Conflagration; on allowing a street especially in the heart of an increasing town such as Inticorin will be a great boon done to the Public in sanitary point of View, the street being ninety yards long & eleven yards broad.

The Petitioners therefore

(been

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most respectively pray that the above facts may be taken into your honor's kind Consideration & early orders may be issued to the Chairman to leave the Street laid open for the Public use & thus render justice.

For which act of Charity the petitioners as in duty bound shall ever pray.

[illegible]
[illegible]
[illegible]
5.10.96. [illegible]
Inticorin [illegible]
M Arunachalam Pillai
P. Shanmugam Pillai
[illegible]

V. Kaliani Shanmuga Sundaram Pillai
T. Sambanthamurthia pillai
[illegible]
[illegible]
Padanbasalingam Pillay
[illegible]
[illegible]
Veeravagoo pilley

O. Senthinnayagam Pillai
T. Subbiah Pillai
M. Viravagu Pillai
N. Rajamutha Pillai
A. M. M. Muthaia Pillai
E. Rajasekaran

8 OCT. 95

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examined
signed 30/6

GAIN G.O., No. DATED
189 .

CURRENT No.

TO C. No.

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

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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