[T. & M. 2,000—4-8-97.]

Local & Munl. (189/) Department.

MISCELLANEOUS.

G.O., No. 1526 Mu

DATED 3 / 7 / 97

INDEXED.

DESPATCHED

[Despatch Abstract.]

Petition

Informing that the Karaipan Chetty of Dindigul Rate Court cannot interfere with the decision of the Collector of Madura in the matter of the publication of the Voters' lists of the Dindigul municipality in the manner requested by them.

BACK PAPERS.

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

FURTHER PAPERS.

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

PKS.

Local & Munl. (1897) Department.

CURRENT No. 2303 M

From

Rise

P. M. Muthukarupan Chetty
Dindigul

Order No 1526 M. mis. dy 3-7-97

The Government cannot interfere in the manner requested by the Petitioner.

No.

V.S. 14/6/97

Dated 14th June 1897

Received 19-6-1897

Registered 19-6-1897

Enclosures 2

Spare copies.

SUBJECT.

Praying that the Collector of Madura may be asked to hear his petition regarding the removal of Muhammad Magdoom Rowther's name from the list of electors to be prepared for 18th Ward of the Dindigul Municipality.

To The Petr

Copy 7/7/97

2/7/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEPT.
RECEIVED 2303 M

P. S. Mahomed

To-councillor was allowed to remain on the list for the [illegible] not on the Jetty first put down on the [illegible] of paying house rent.

His Excellency
The Governor in Council
Fort St. George.

GOVERNMENT SECRETARIAT
16 JUN 97
PUBLIC & JUDICIAL DEPTS.

The humble petition of
P. M. Muthukarupan Chetty, Son of
Motayan Chetty residing in the Market
Street Dindigul town. Madura District.
Most Respectfully Sheweth

1. That the ward lists of electors for the Dindigul Municipality were prepared and delivered to the Chairman on the 25th August 1896, and that the same were published finally on the 27th March 1897 and objections and Claims were enquired into on the 28th April 1897.

2. That at the meeting of the Council to enquire into said objections and Claims, the name of one —

2.

O.S. Mahomed Magdoom Rowther an ex-councillor was allowed to remain on the list for the IV. Ward as a Candidate, not on the Score of paying incometax as first put down on the list, but on the Score of paying house rent.

3. That the petitioner who had put in a petition objecting to the name of the said O.S. Mahomed Magdoom Rawother being included on the Score of paying incometax, was not given opportunity by the Council to refute the said Rawothers claim to be included on the Score of house rent

4. That thereupon the petitioner applied to the Collector of Madura (Copy herein enclosed) to order the removal of his name from the list under rule 12 of the election rules

5. That the Collector of Madura refused to entertain the petitions on the ground that

there

there is no appeal to him in the matter

6. That the said order of the Collector of Madura is, in the humble opinion of petitioner, against rule 12 of the election rules in as much as the rule empowers him to order Corrections in the lists

7. That the said order of the Collector is not based upon the merits of the Case

8. That the said petition to the Collector raises some important questions of law which have been decided by the Council in a haphazard manner viz

(a) A date having been fixed by Government for the preparation and delivery of the ward lists of electors, whether names of persons can be inserted who are not qualified to be electors on or before the date fixed for the delivery of the lists to the Chairman, but who become qualified after that date

Over

(c) The name of a person having been put down as an elector or a Candidate by reason of his possessing some one of his qualifications required by the rules E.G— that of paying income tax, whether that person may be permitted to disavow that qualification at the time of hearing objections, and claim to possess another E.G— that of paying house rent without any proof and without giving an opportunity for the objector

9. That the petitioner therefore most Respectfully prays that Your Excellency be pleased to perpse the Copy of the petition Enclo: I to the Collector of Madura and his Order Enclo: II. regarding the same (both herein enclosed) and to direct the Collector of Madura to hear the petition on merits and also express an opinion in the issues raised in para 8 supra, as early as possible, as the elections for the four vacant seats

2 Dec 04

no

now in the Council have been fixed to
take place on the 24th and 27th proxim

For which act of Justice
and kindness, Your Excellency's humble
Memorialist shall, as in duty bound, ever pray

We beg to remain
Your Excellency's Most Obedient
and humble Servant.

14th June: 1897.
Dindigul
Madura District

13th May: 1897.

To

The Collector

of Madura.

Petition presented by P. M. Muthukaruppan Chetty son of Motayan Chetty residing in the Market street Dindigul town

Most Respectfully Sheweth, that:—

Lists of electors and persons eligible for election in the Municipal town of Dindigul for 1897 were prepared under rule No 7 of the election rules and affixed under rule 8 on the 10th September 1896; and the 14th October had been fixed for disposing of claims and objections upon the list under rule 10.

2. One Mr. Mahomed Magdoom Rowther, who was a Councillor for the 4th Ward was also an elector and Candidate in that ward. The list for the ward was prepared by a Sanitary Inspector and sent to

Said Councillor for verification and transmission to the Chairman. The Councillor verified the list and Certified the Same under his Signature to be Correct, after Checking it with the Several registers maintained in the Office. In that list the Councillor had been put down as qualified as an elector and Candidate on the only ground of his — paying an income tax of Rs 82/-. It thus goes without Saying that the Councillor fully endorsed the information in the list Contained to the effect that he was eligible to be included in the list on the ground of his paying Rs 82/- income tax and on no other ground.

3. The petitioner, on seeing the list so published, finding that the Candidate had been represented to pay Rs 82/- on account of income tax and knowing that it was a false representation, filed a — petition of objection under rule 10.

4. It may here be mentioned

that the Councillor's term in the Council would have ceased on 26th February 1897, and that it was to his interest to see his name on the list in order that he may compete at the next election and continue for another period of 3 years in the Council.

5. The Councillor having learnt about the petitioners said objection petition and also knowing the truth of the facts therein set forth, thought that his only hope was to anyhow get the meeting of the 14th October adjourned and having had the support of his father and paternal uncle and also of some other friends in the Council, managed to have the meeting postponed and — in consequence, the said objection petition of the petitioner was not then disposed of.

6. The list referred to in par 1 of this petition and prepared in Augt 18

was again published under orders of
Government on the 27th March 1897 and
the Councillor had again been put down
as eligible on the only ground of paying
an income tax of Rs 82/. The petitioner also
renewed his objection by another petition
dated 15th April, that the Councillor was
in no way eligible even to be an elector.
It now appears that the Councillor thereupon
put in a claim petition for the first time
on the 1st April 1897 to the effect that he
does not pay any income tax and that he
should be taken as a candidate because
he pays a house rent of Rs 10/- per mensem in
the 4th Ward and 3 Rs for another house
in the 5th Ward

The two petitions (of the
Councillor (claim) and petitioner (objection))
in the meeting held on 28th April and the
Councillor's name was ordered to be retained
in the list on the ground of paying house rent
The petitioner, therefore, begs to bring the

follow

following facts to your honor's notice under rule 12 and prays your honor will be pleased to Consider them and pass such orders as would seem fit under the Circumstances.

8. Rule 5 (clause c) of the election rules declares only persons paying incometax as qualified for election. The Councillor was not, according to his own Statement, (vide his claim petition dated 24-9-97) paying any incometax. The list Contained not merely the fact of the Councillor's paying incometax, but the Actual amount of the tax was put down in it as Rs 82. The Sanitary Inspector who prepared the list Could not be supposed to have entered the figure at random but should have only done so on information supplied by the person paying the same who is the Councillor himself. This is not all; the list so prepared was sent by the Sanitary Inspector to the Councillor himself

and he Checked all the entries in it (of Course the entry about his name also) with the necessary records of information, and has appended a certificate to that effect and his Signature to the list.

9. The Councillor Could not be said to have omitted to notice the mis Statement in his Case through oversight, because he has According to his own declaration appended to the list Carefully Checked and verified the entries; but Considering all the Circumstances of the Case it is Submitted that your honor will find that the Councillor wilfully made an inaccurate representation to the Council that he was qualified as paying income tax of Rs 82/-. Having had no other qualification and having had to Compete at the ensuing Election, as his term as Councillor would expire in Feby 189 the Councillor was greatly interested to see his name Any how put down in the list

for 1897.

10. As regards the facts of the Councillors paying a rent of Rs 10/- in the 4th Ward, the petitioner begs to submit the following facts and submits that the Statement is not true.

11. At the meeting of 28th April when the petitioner's objection petition was taken up, he was asked whether he could disprove the fact of the Councillor's paying rent, as he was then objecting to the Councillors qualification of incometax, which was the only one found in the list during the period of its publications, and as he was not aware of the present claim petition of the Councillor, he offered to do so if he be granted time, which was refused and the claim of the interested claimant was accepted without any proof whatever; while the objection petition was rejected with an endorsement that "Mr. Mahomed Magdoom Rowther is ex-municipal Councillor and

his words may therefore be accepted in
the absence of any evidence to the
Contrary"; while he (Mr. Magdoom Rowther)
himself admits in his petition dated
1-4-97 that he pays no income tax.

12 The Councillor had no
necessity for taking up the house for
rent, because he lives with his elder
brother as one family in house No 1315
of the 4th Ward (Vide the file of papers
I Series) and he has a building in
Behamboor for storing skins (Vide his
Claim petition No 2) The house referred
to in the Claim petition is not in the
occupation or enjoyment of the Councillor

13. If the Councillor had, as
a matter of fact, been occupying the house
for rent from 1-9-96 he would have
put in a Claim petition, as he has
done now when the list was published
for the first time on 10th September 189

14. The owner of the house

who is alleged to have resided the house to the Councillor is a very near relation of the Councillor.

15. The rent deed referred to in the claim petition has not been registered and the petitioners believes that it is a document since got up for the occasion. The petitioner was allowed no opportunity of impugning the genuineness of the document, and he trusts he would be able to satisfy your honor that it could not be genuine, if he is granted a copy of the same and be heard in the matter.

16. The Councillor and his lessee maintain accounts of receipts and disbursements, and if the transaction be a genuine one, they might have proved, by entries in the accounts, the payment of the rent.

17. The Councillor's attempt to get the house No. 1315 in the 4th Ward — transferred

transferred in his name in the Municipal
registers and its failure (evidenced in the
file of papers I Series), the repeated attempts
15. to delay disposal of the petitioners 1st
objection petition and the other circumstances
set forth above, will clearly show that the
said deed is not a genuine document
and was since got up for the purpose.

18. House No. 1315 in the 4th Ward stood in the name of one Mr. V.S. Pitchai Mohideen Rowther. In July 1896 he applied to the Chairman of the Municipal Council to transfer the house in the name of his Son Mr. P.S. Mahomed Magdoom Rowther (the Councillor) stating that he has sold the house to his **Sons** (in fact the Sale has been made only to his eldest Son). The Councillor also accepted the transfer under his Signature. The transfer was recommended by the Sanitary Inspector, and the Councillor himself the attempted transferee of the house has endorsed

in his Capacity as Ward Councillor recommending the transfer. The wording of the Councillor's recommendation is very significant and the petitioner therefore begs leave to quote the same here. It is thus "The petitioner himself is a Councillor and he has executed a registered document for Rs 2500/- Therefore the tax may be transfered. Moreover when an owner of any house request the Council to transfer any property which stand in the petitioner's name, the Council will have only to take the Consent of the transferee Collection of tax is the Chief thing." In this Connection the petitioner begs to bring to your honors notice that Mr. Magdoom Rowther the transferee and the Ward Councillor, Mr. Pitchai Mohideen Rowther the transferer are also a Councillor and the Sanitary Inspector who recommended the transfer have all so managed, till the Chairman's requisition to produce the Sale deed, as not to bring

the name of real vendee who is Hajee Sheik Ibrahim Rowther and thus making the Council believe that the Sale deed stands in the name of both the Sons.

19. Upon this recommendation, the Chairman requested the Applicant for the transfer, to cause the Sale deed referred to in his petition to be produced. (Vide letter No. 183 / 17-8-96 encls: I.b), to which the reply letter dated 25-8-96 (I.c) was received stating that it was in the hands of his Sons; that it was executed in the name of his eldest son Mr. Hajee Sheik Mahomed Ibrahim Rowther

20. It will thus appear that the house No. 1315 had not been transfered in the name of Mr. Mahomed Magdoom Rowther until the 25th August 1896 which is the date in which the lists were handed over to the Chairman and therefore it was not possible to put down his name in the list as eligible for election on the

the ground of paying tax on the house
No. 1315, which was the only object of
the above said application for transfer.
The list was prepared about that time
and sent on to the Chairman for publication
of Course, stating that Mr. Mahomed Mag-
-doom Rowther paid Rs 82/- on account
of income tax, which is as set forth above
is not true.

21. The only object in securing
the transfer of the house in Mr Mahomed
Magdoom Rowther's name having become
ineffective, the eldest Son to whom the house
had actualy been sold applied on 15.10.9[illegible]
to transfer the house in his name alone and
not in the name of Mr. Mahomed Magdoom
Rowther, and that requisition was endorsed
by both the father and Mr. Mahomed Mag-
-doom Rowther (Vide encls: I d). In this
application also the eldest Son clearly stated
that he and his younger brother Mr M
Magdoom Rowther were living on date of petition

Viz 15. 10. 96 together wi the house No. 1315.

22. From the above Circumstances in reference to the transfer of house No. 1315, it will clearly Appear that Mr. M. Magdoom Rowther finding he had no qualification to be eligible for an elector much less for a Candidate, and that any how he should have his name entered as a Candidate in the list then under preparation, As otherwise he would loose the Chance of being elected Again after his term as Councillor would have ceased in Feby: 1897, first attempted by all possible means to have the house registered in his name, and when the transfer had not been effected till the time of the preparation of the list, he had his name put down as a Candidate paying an income tax of Rs 82/- and thereupon withdrew the said applicatia for transfer and got the house transfered in the name of the real vendee his elder brother. It will also, beyond doubt, appear the

that he was living as one undivided family
in the said house No. 1315 in the 4th Ward
and at any rate until the 15th Oct. 96
he had no necessity for and was not
in fact occupying for rent, the house —
referred to in his Claim petition; and
that thus the Statement therein that he
had obtained on rent the house from
1st September '96 Cannot be an undis-
putable fact.

23. The list electors and Candi-
-dates was prepared in August 1896 and
on account of some alleged irregularity
in its publication, the same list as
prepared by the officers entrusted with
its preparation was ordered by Govern-
-ment to be published Again; and was
accordingly done on the 27th March 1897.
Thus the list should be taken as containing
information as regards qualifications
possessed by electors &c at the date of its pre
-paration i-e before 1st September 1896

which is the date ordered by Government, and not those which would have accrued after the said date. If an individual had been not eligible on the 1st September 1896, and had since become eligible, the republication of the list alone would not entitle him to claim inclusion of his name as claims and objections were invited upon the said list. Therefore even supposing for sake of argument that Mr. M. Magdoom Rowther pays from

23.

1st Sep: 96 the house rent of Rs 10 in the 4th Ward, that would not at all entitle him to have his name retained as a Candidate, while he admittedly did not pay the income tax set forth in the list, and did not possess any other qualification which would have entitled him to stand as a Candidate on the 1st September 1896.

It is under the above circumstances, Most respectfully prayed.

Ister

that your honor will be pleased to send for the entire records referred to in this petition and peruse the same, give the petitioner an opportunity to represent the facts of the Case, and order the name of Mr. Mahomed Maydoom Rowther to be omitted from the list of electors &c prepared for IIIrd Ward and pass Such other orders as are fit under the Circumstances of the Case; And thus render justice

&c &c &c.

(Signed) P. M. Muthukaruppan Chetty
(in Tamil)

(True Copy)

September 1896

It is under the above Circumstances that respectfully prays

that your Honor will be pleased to
Issue Order for the entire Records referred to
in this petition and perusal the same,
give the petitioner an opportunity to
represent the facts of the Case, and
Order the name of the Mahomed Hagdon
Routhen to be omitted from the list of electors
to be prepared for the Island and Issue such
other Orders as are fit under the Circum-
stances of the Case, And Your petitioner
as in duty bound shall ever pray &c

(Signed) P. M. Muthukaruppan Chetty
(in Tamil)

I

Copy of the Petition
to the Collector of Madura.

Encl. I

Copy of the Petition

to the Collector of Madura.

1

2303/no 8 & 97

Dis. no. 1918 dt 21-5-97
Encl. (1 file)

Endorsement on petn dt 13-5-97
from P. M. Muthukaruppan
Chetti son of Muttazan chetti
residing in Dindigul Town
requesting for reasons stated
to order the removal of the name of Maqdum
Mahamad Nowther from the
list of Electors etc

Rule no 12 of the Election
Rules gives no right of
appeal and the Coll^r
declines to interfere.

2- Enclosures received with the
petn are herewith returned

Initials
for Coll^r

22-5-97

1

61

Enclo: II

2
1303 Mot 187

given for copying
copied
examined
signed

189

AD AGAIN G.O., No. 189 DATED

FERENT No.

ENCLOSURES TO O. 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.							

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