

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 1643m

DATED 23-7-97

INDEXED. *ca*

[Despatch Abstract.]

Munl. *Acini*

Passing orders on the subject of
the proposed revision of the boundaries
of the Anakapale muly.

BACK PAPERS.

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

FURTHER PAPERS.

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

Reminders by C.O. 3757/97

172
[L & M.]
150-30-6-07.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., No. 1730 M dated 9th October 1896.

Again G.O., No. dated 189 .

Current No. 680 M of 1897, dated 11th February 1897, from The President Of B^{rs} Vazaga palam

" " " 189 , " , "

" " " 189 , " , "

Misc ORDER. No 1643 M. mis. dt 23.7.97.

Under Section 91 and clause (2) of Section 92 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, tolls cannot be levied at a place ^{on the boundary} other than the ~~border~~ of the Municipality. But from the President's letter disposed of in G.O. No 1730 M dated 9th October 1896, and the accompanying sketch, it appears that two of the toll-gates maintained by the Municipal Council of Anakapalle are placed within the town, one of them being at a considerable distance from the Municipal limits. The Municipal Council should therefore ^{take} ~~take~~ ~~unmediate action to~~ ~~no time in~~ complying with the requirements of the law in this matter and the President is requested to revise his proposals on this understanding, but it may be considered whether the toll-gates should be moved to the present Municipal limits.

So that the levy of the tolls may be legalized without delay

or whether these limits should be ^{revised} ~~revised~~
so as to place the existing toll-bars on
the boundary.

2. No estimate appears to have
been yet made, of the effect on the in-
come from tolls of the compliance with
the provisions of the law above referred
to, nor is it known how the Municipal
income from the land-tax will be af-
fected if the boundaries of the Munici-
pality are altered as suggested by
the President. He is therefore requested
to report on these points, stating in the
latter case, the result as shown by the
survey referred to in para 3 of his
letter read above.

3. The President should also
state whether as shown ^{from} ~~in~~ the map
submitted with the budget estimate of
the Vizagapatam District Board for
1897-98, the nearest local fund toll-
gate ^{appears to be} ~~is~~ about forty miles from the Anaka-
palle Municipal limits. ^{The President is requested to report whether this is so,}
and whether
any proposals have ever been made to
establish a toll at an intermediate place.

V.S.R.

13/7/97

24/7/97

To The Chairman M.C. Anakapalle
thru' the Collector of Vizagapatam

" President, District Board, Vizagapatam
(with a sketch returned)

Copy 29/7/97

L. & M.
1,000-25-10-95.

Local & Munl. (1897) Department.

CURRENT No. 680 m

Order

From The President, District Board,
Vizagapatam.

No. 101

Dated 11th February 1897.

Received

Registered

Enclosures one

Spare copies

SUBJECT.

Submitting proposals ^{for} ~~regarding~~
the revision of the boundaries
of the Anakapalle Municipality
after discussing the question
with the municipal Council.

2/3/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No 101

DISTRICT BOARD'S OFFICE,
VIZAGAPATAM,

Dated 11 February 1897.

From

H. B. Horne Esquire,
PRESIDENT, DISTRICT BOARD,
VIZAGAPATAM.

To

G. S. Forbes Esquire.

CHIEF SECRETARY TO GOVERNMENT,
LOCAL AND MUNICIPAL DEPARTMENT,
MADRAS.

SIR,

With reference to Government Order No. 1730. M. Mis. dated 9th October 1896, I have the honor to report that I have twice more referred the whole question to the Anakapalle Municipal Council and have also discussed the matter with the District Board at the Budget meeting.

2. The Municipal Council - vide its resolution dated 5th December 1896, copy of which I enclose demands that if my proposal for the contraction of the Municipality's limits is to be carried out, the share of municipal tolls payable to the District Board shall be reduced from its present figure of 60 per cent to 25 per cent, and that, if it is found that the increased share of tolls thus accruing to the Municipality is not equal to the loss of land tax caused by the contraction of its limits

limits, the share of tolls payable to the District Board shall be still further reduced to cover the loss.

3. The Chairman estimates the loss of land tax at Rs 1500, but this is very rough and it cannot be properly ascertained without a survey, which he proposes should be made by a surveyor jointly employed by the District Board and the Municipality. To this proposal the Board would have no objection and it would be willing to reduce the share of tolls claimed by it to at least a level with that paid by other municipalities. ^{2.5 per cent} in the District.

4. In the Budget Submitted to Government with my No 311 dated 22nd December 1896 the District Board anticipated a decrease in its toll revenue of Rs 1330 on this account. It also took credit for Rs 3000 anticipated revenue of the toll gate which it proposes to establish on the road from Madgole to Anaka-palle.

5. If the Government is pleased to approve the proposals contained in my No 596 dated 24th June 1896, I will at once submit a draft notification defining the revised Municipal boundaries and the District Board will undertake

undertake to remit so much of the toll revenue due to it from the Municipality as shall be sufficient to cover what the latter loses in land tax, which will be ascertained, provided only the municipal contribution does not fall below 25 per cent. I think this is fair to all parties.

6. As the official year is drawing to a close I request early orders, in order that the budget arrangements may not be upset, and that sanction for the revision of the Municipal toll gates and for the establishment of a new gate by the District Board may be obtained in good time.

I have the honor to be,
Sir,
Your most obedient servant,
Amur...

for President District Board

Rs 1730 in
9-10-96

SA
3-2-97

Extract from the Proceedings of the Municipal
Councillors of the Town of Anakapalle at the meeting
held on Saturday the 5th December 1896.

Present

J. W. Gooch Esquire
Chairman.

Official members

M. R. Ry K. Kotanna Pantulu Gam
Deputy Tahsildar.

Non-official members.

M. R. Ry S. V. Sudarasanam Gam

do K. Veerabhadrayya Gam

do D. Suryanarayana Gam

do P. Appalaiaidu Gam

Sheik Ibrahim Sahet Gam

481/19
680 mo 1897

VI (a) Read endorsement
no 964 dated 28 November 1896
of the President District Board
Vizagapalam on the copy of
Government Order no 1730 M. M. S.
dated 9 October 1896 on the
question of revising the
municipal boundaries and
requesting to know whether
this Council has any
thing further to say on the
subject.

(b) Read also the Council's
resolutions no 1 dated 22nd
August 1896 and 24 October 1896.

If the District Board
is willing to decrease its
share of Tolls from 60 percent
to 25 percent with the
understanding that if, in
the future, it is found
that our increased revenue
from Tolls is not equal to
our loss of Land tax the
percentage will be still
further decreased to an
amount equal to such
loss, then the Council
will agree to the proposals
made by the President
of the District Board
in his letter to Government
no. 596 dated 24 June 1896.

(SD) F. W. Gooch
Chairman
(True extract)

[Signature]
For President District Board

Revision of Municipal Limits, Anakapalle

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., dated

189 , No.

Current No.

of 189 , dated

from the

Current No. 68014

of 1897, dated

11th February 1897 from the President, 8th B. D. Vizaga-
-palam.

FOR ORDERS.

A. Sec. cur. no. 33842 of 95 in
book 27-3-96 ✓

see NW. corner of sketch
put up

F

Use the sketch put up -

In September 1895, the
District Board of Vizagapalam
in view of the marked decline
in its revenue from tolls, consequent
on the opening of the East Coast
Railway, proposed to establish a
toll bar from the 1st April 1896 at
the junction of the Chodavaram-
Anakapalle and Subbavaram-Virkham
nalam roads. It was stated
that the Anakapalle-Chodavaram
road was an important communi-
cation connecting the Viraville
Talug with the Anakapalle Railway
Station, that the traffic on this
road had considerably increased
since the opening of the railway
and that an additional maintenance
allowance would be required for its
upkeep in good condition. The income
from the proposed toll bar was
estimated at Rs 3000 per annum.

And although this gate would be within eight miles of the Municipal toll-bar of Anakkapalle, it was argued that this was not a serious objection, as the traffic passing to the railway station at that place will not also pass through the Municipal toll-bar. The President further took exception to the levy by the Municipal Council of tolls on carts which come from Chodavaram and Pudimadaka and turn off west along the Trunk road without entering the town and pointed out that it was most unfair that the Municipality should tax the traffic with which it had no concern whatever. He therefore suggested that when the new railway station which was then under construction was opened, the system of tolls should be thoroughly revised so as not to catch through traffic.

2. The Government thereon observed that under Sections 91 and 92(2) of the District Municipalities Act, tolls can be levied only at the limits of a municipality.

Note

This reasoning is however incorrect as the traffic must enter the municipal limits before going to the railway station. - Vide sketch -

Vide cur No 8492 of 96 in

10 600 L ✓ A
27-3-96

10 600 L ✓ A
27-3-96

in mind when making the proposed revision of the position of the toll-gates.

3. In June 1896, however, the President of the Board of Vizagapatam reported that before he could make any proposals for new District Board toll-gates to catch traffic coming from the west side of the District to the Railway Station, it was necessary to entirely revise the situation of the Anakkapalle municipal toll-gates and that for this purpose the limits of the Municipality should also be modified. He ^{again urged} ~~stated~~ that the Municipality included parts of several roads which do not enter the town at all, that two of the toll-gates are not at the Municipal limits as they ought to be, being situated at some distance inside them, and that ~~consequently~~ a considerable portion of the through traffic in the district was subjected to unnecessary taxation. He therefore

proposed that the ^{Municipal} limits should be altered so that toll-gates placed at them might catch all traffic going into the town or to the railway station, while that merely passing through the town might escape taxation.

4. The Municipal Council of Anakapalle to which a reference was ^{then} made in the matter, stated that the proposed alteration of the Municipal limits would involve a loss of Rs 1500 in the shape of landtax, besides a very large amount of tolls representing the collections on those roads, whereon it was proposed to erect local fund toll-gates, and that the loss thus caused to the Municipality would be a gain to the District Board to which the former is paying a contribution of 60 per cent of its toll-revenue in consideration of the position of its toll-gates. It was however remarked that if the entire revenue from tolls which

This is sound & fundamental principle if the toll were purely Municipal but 60% goes to the L.F.B.D., and practically avoids the necessity, at any rate to some extent, of the Board's ^{establishing} ~~proposing~~ a new toll say 10 miles out of the town. S.F.R.

Cur No 2509 m of 96 in
Rs 1730 m
9-10-96 B

But if it was improperly leased, the Mty. cannot maintain a claim to it
S.F.R.

It must be carried out.
The law must be obeyed

would be realized from gates fixed at the altered borders were left at the disposal of the Municipal Council, the District Board's proposal would be reasonable, but that the change would be most undesirable, if, instead of doing so, the District Board wanted to increase its revenue at the expense of the Municipality. On this, the President of the District Board was asked to discuss with the Municipal Council, the question of altering the Anakapalle Municipal boundaries and report the result to Government.

5. With the first of his letters read above, the President forwards a copy of the resolution of the Municipal Council on the subject. The Council demands that if the proposed revision of the boundaries is to be carried out, the share of tolls payable to the District Board should be reduced from 60 to 25 per

ent and that if, in future, it
is found that the increased share
of tolls thus accruing to the
Municipality is not Equal to the
loss of land tax caused by the
contraction of its limits, the
percentage should be still further
reduced so as to make up such
loss. The President however
points out that the loss of
land tax which is estimated
by the Chairman at Rs. 1500,
cannot be accurately ascertain-
ed without a survey of the
town, which he ^(the Chairman) proposes should
be conducted by a Surveyor
jointly employed by the District
Board and the Municipality, and
that the Dt. Board is prepared
to forego so much of the toll-
revenue due to it as shall be
sufficient to cover the loss
which the Municipal Council
incurs in the shape of land-tax,
provided however that the
Municipal contribution of
tolls does not fall below
25 per cent.

This is sound

S.R.

By law the gates
must be at the
limits S.R.

6. The reasons assigned by
the President of the Vizagapatam
District Board for altering the
Municipal limits of Anakapalle
are:-

(1) that the town includes
parts of several roads which
do not enter it at all, a consi-
derable portion of the through
traffic in the district, ^{which should properly be tolled by the Dt. Board} being
consequently subjected to unneces-
sary taxation by the municipality and

(2) that two of the toll-
gates are not situated on the
borders of the Municipality
as they ought to be.

In the first place, it has
to be noted that the proposed
alteration in the limits ex-
cludes a considerable area of
land from within the Municipality
and the loss of revenue to the
Municipal Council in the
shape of land tax is estimated
at Rs. 1500. It is not however
stated what would be the
probable receipts from tolls
if the gates were placed
at the altered limits, and un-

This is known, no idea can be formed of the net financial result of the arrangement to the Municipality, assuming that the contribution of tolls payable to the District Board is reduced to 25 per cent. As regards the decline in the District Board's income from tolls in 1894-95, it is observed that it is not the Dt. Board alone that has incurred a loss of revenue from this source by the opening of the East Coast Railway, but all the Municipalities in the District, including Anakapalli - vide G.O. 1705-Md 22-10-95 page 4.

Secondly, the contraction of Municipal limits, while it is probably ^{clearly} a source of loss to the Municipality, will not in any way benefit the District Board. System of municipal tolls as thus reorganised will certainly not catch any portion of the through traffic, but such traffic cannot be tolled by the District Board, as it is undesirable

on which the ^{original} proposal to establish an additional Local Fund toll gate was based,

Para. 13 C

This is not a consideration of so much importance as the safeguarding of through traffic from an improper municipal toll.

D
Vide G.O. 10. 1661 L
24. 7-89.

Vide notes and orders in
G.O. 724 L. E
28-3-89

that local fund toll-gates should be placed within ten miles of Municipal gates.

Thirdly, the contribution payable to the Dt. Board on account of tolls appears to have been fixed at 60 per cent for Anakapalli as against 25 per cent for all the other Municipalities in the District, chiefly in consideration of the fact that through traffic, which should not be taxed for local benefit, was caught at the Municipal toll bars. No sufficient reason has been shown as to why this arrangement should not be continued.

Under these circumstances it seems undesirable and inexpedient to alter the ^{municipal} limits as proposed. The situation of some of the Municipal toll-gates for example those at B, C, & E, is no doubt not in accordance with the provisions of the act. The

Municipal Council should be asked to move the gates.

This must be done in the law
any case to satisfy the law

municipal
to the present limits. ~~and~~ If
in consequence of doing so,
it is found that a larger
amount of through traffic
is then taxed by the Municipi-
pality than at present,
it will then be open to the
District Board to move
Government for enhancing
the Municipal ^{on account} ~~limits~~ of
tolls.

V.R.
28/4/77

Put up the P.O. fixing the
limits of the Anahapalle
Mty.
at what distances are the
existing District Board toll
gates from the Mty.

S.R. 13/5/97

(1) Please see G.O. No. 1975 Financial
dated 24th July 1877. put up. Attention
is invited to para. 5 of the Principal
Tombak Collectors letter, pages 3 & 4,
of the G.O., in which the reasons
for including within limits a large
area of cultivable land are given.

Flag H.

(2) There are at present seven
toll-gates in the District, under
the management of the District
Board - vide para. 10 of the Principal
report in G.O. No. 1696d, dated
18th September 1896; and the one
situated at the place marked A in
the ~~Sketch~~ budget map (Flag J),
which is nearest to Anahapalle,
is ~~apparently~~ at a distance of about
forty miles from the town.

V.R.
29/6/77

The first thing to be done is
to ~~ask~~ ^{point out} the Mty. that it is
absolutely necessary to
move the toll-gates into
positions which satisfy the
law: ~~that the law is not~~
~~violated by the Mty.~~
~~the mode of the report~~
~~reported to Govt.~~ at the same
time ~~request~~; that tolls can-
not be legally collected at
any other place; that no further
delay ^{can be permitted to occur} ~~take place~~ in complying
with the law; and that the

proposals ^{to be raised on}
this understanding ^{to}
estimate appears & have
been yet made of the
effect on the toll income if
such compliance with
the law. This ^{to be done}.

The ~~possible~~ probable effect
on the main income from
land tax, if the boundaries
are revised, as shown by
the survey referred to in the
President's letter ^{to be also}
be stated.

Also ask whether it is
correctly understood that the
nearest Local B.D. toll is
40 miles off & whether any
proposals have been made
to establish a toll at any
intermediate place

S.B.
20/6/17

Not being pre-occupied
whether the tollgates ^{to be}
be moved to the present main
limits, or whether these limits
^{to be raised} ~~to be raised~~
be as to place the tollbars
on the boundary.

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

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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IN ORIGINAL.

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