12.6.97

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 2439 M.

DATED 5-11-97

INDEXED.

DESPATCHED

[Despatch Abstract.]

Obstruction in Public Street.

Directing the Ch: Munl. Council. Palni, with remarks, to bring up another case of ——, for decision by the Joint Magistrate of Madur as the time allowed for appeal in the presen has already expired.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cno 4347 M/97							

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[25]
500—5-11-97.

LOCAL AND MUNICIPAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper :—

From the Chairman, Municipal Council,
Palni, No. 11, dated 15th September 1897.

I have the honour to forward herewi
a copy of judgment in criminal app
No. 2 of 1897, in which the convictio
one Ponnammal for having expose
things for sale in a public street
quashed by the Joint Magistrate, M
and request that the Public Pr
cutor may be ordered to move the
Court for the setting aside of t
finding of the Joint Magistrate
it is illegal on the face of t
grounds noted below.

1. The Joint Magistrate seem
think that the street in ques
is a private street belonging t
Devastanam. It is admitted b
the defence witnesses that the
in question is open to the pub

d that all persons (other than Hindus
so) walk through the street. Moreover
o. No. 1330 L. d/ 20th July 1888, declares that
ll streets and roads that exist in a
n when it is constituted a Muni-
ality are public streets and roads
less otherwise declared by the Governor
council. The street in question was
existence at the time this town was
stituted a Municipality, and it has
been declared a private street.

It is observed by the Joint Magis-
in Para. 6 of the Judgment that
truction to some person must have
proved. This is against the views
essed by the High court in Crimi-
appeal Queen Empress versus
tta, dated 29th February 1888, com-
icated in G.O. No 1078 L. dated 14th May
Vide also G.O. No 498 L. dated 12th March
The terms of Clause 3 (b) of Act III
9 is almost similar to that of
173 of Act IV of 1884 referred to
High Court ruling.

3.

3. In para. 7 of the Judgment it is stated that it appears that the Devastanam authorities have long been levying fees for permission to expose goods for sale in the street in question. There is nothing more on record except the oral evidence of one witness — interested (i.e.) the Devastanam gumastah that such fees have been levied by the Devastanam. No documents have been filed to prove the statement. It is a matter of fact brought to the notice of Govt. that such fees are being levied by the Municipality ever since its constitution and that the Devastanam wanted to interfere unnecessarily only last year (Vide Para 37 of the annual report for 1895-96). The Devastanam was ordered by this self same Joint Magistrate not to interfere in the rights of the Municipality, and during the last Panguni festival the fees for occupation of these road sites were levied by the

Municipality

O.W. 8/11/97

Municipality.

4. The Joint Magistrate thinks that the accused is protected by section 79 of I.P.C., as she paid one anna to the Devastanam. She is a resident of Adivaram itself and she might well have known that fees for occupation of such sites are being levied by the Municipality on festival occasions when only it is allowed. Moreover ignorance of law is no plea. The Sub Magistrate has also considered this fact and has therefore inflicted on the accused a light punishment - Vide para. 4 of his judgment.

2. As the decision of the Joint Magistrate is one which permanently affects the rights of the Municipality, I request that the High Court may be caused to be moved at once in the matter.

3 Copies of other connected papers re also sent as per list.

Order

Order No. 2439 M. mis. of 5th November 1897.

The Government concurs with the Chairman in considering that the case under reference is one in which an appeal should be preferred to the High Court. The present reference should have been made to Government earlier and not on the eve of the expiry of the time allowed for an appeal. As that period has expired, the Municipal council should bring up another case for decision by the Joint Magistrate, so that if necessary an appeal may be preferred in the High Court.

(True Extract)

(Signed) G. S. Forbes,
Secretary to Govt.

To
The Chairman, M.C., Palni
thro' the Collector of Madura.

(True Copy)

H. Tremenheere.
Ag Secretary to Govt.

GO 2439 Mis
5-11-97

Obstruction in a public street, Palni municipality.

[L. & M.]
150—30-6-97.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in proceedings :—

Again G.O. No. dated 189 .
Again G.O. No. dated 189 .
Current No. 3513. M of 1897, dated 15th September 1897, from the Chairman. M.C. Palni
" " " 189 , " , "
" " " 189 , " , "

Mis ORDER. No. 2439 Mis. d/5/11/97

The Government concurs with the Chairman in considering that the case under reference is one in which an appeal should be preferred to the High Court. ~~The present reference of have been made to the Devastanam and not the muni- [illegible] on the eve of the Deputy cipality to go to the Civil court to~~ ~~However~~ If the time allowed for an appeal ~~As that time~~ period has ~~already~~ expired, the municipal council should bring up another case for decision by the Joint Magistrate, so that if necessary an appeal may be ~~filed~~ preferred in the High Court. ~~in time~~

(From orders.)

V.R.
4/7/97

To
The Chairman. M.C. Palni, BO
through the Collector of Madura.
OMW 8/11/97

Local & Munl. (1897) Department.

CURRENT No. 35/3 M

1154/Mgl of 1897
17-9-97

COLLECTOR'S OFFICE
SEP. 1897
MADURA

From
The Chairman
Municipal Council
Palni
Through the Collector and
District Magistrate
Madura

No. 11

Dated 15 September 1897
Received
Registered 9/10/97
Enclosures ~~Three~~ 12
Spare copies

SUBJECT.

Requesting to order the Public Prosecutor to move the High Court against the decision passed by the Joint Magistrate quashing the conviction by the Sub. Magistrate in a case of obstruction caused in a public street.

Mise
Order

The Government concurs in the opinion expressed by the District Magistrate in his letter to the Chairman Disposal No 832 Mgl, dated 25th September 1897.

To
The Chairman, M.C. Palni,
through the Collector of Madura

V.R.
20/10/97

H.O.

I think this is a case in which an appeal shd be taken. It is the Criminal Cts and the Civil Cts, ~~which~~ whose duty it is primarily to protect public rights in a highway. The Chairman rightly points out that it is for the Deoas-

15/10

tanam & not the Mty. to go to the civil court. There appears to be abundant evidence that the place has been always used as a public thoroughfare, & the allegation of the Devasthanam that they have private rights over it is supported by any by oral evidence & that merely of one witness

E. P.
26/10/97

I agree – But the appeal time expired a month & a day ago – They must bring up another case

HS
28/10/97

BACK PAPERS.

G.O.	No.	Department.	Date.
l/o	12	[illegible]	6-1-97
l/o	498	L	12-3-97
"	1160	L	9-7-96
"	244	L	7-2-90
"	1078	L	14-5-89
"	1330	L	20-7-88

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Rol No 1214/Mgl of 97

Submitted.

2. My views are contained in my letter to the Chairman, Dis No 832/Mgl of 1897, dated 25th September 1897, copy of which is enclosed together with the Chairman's reply thereto.

District Magistrate.

Madura District Magistrate's Office
6th October 1897

Copy of letter Dis No 832/Mgl dated 25-9-97 from the District Magistrate of Madura to the Chairman, Municipal Council Palni

---

In reply to your letter No 11/15-9-97 to the Secretary to Government, Local and Municipal Department, Madras, I have the honor to say that I am unable to recommend an appeal in this case.

2. I am disposed to agree with you that there is no necessity to prove actual obstruction to any person, but think the accused could probably successfully plead Section 79 I. P. C. in her defence as being under a mistake of fact (not of law).

3. The question is one of a purely civil nature, the real grievance being that the accused paid her fee to the Devastanam instead of to the Municipality and I agree with the Joint Magistrate that such questions are better settled in a Civil Court. I must point out that the Government order quoted by you in para 1 of your letter deals only with roads or streets not being private property. Whether this particular street is private property or not, is just the point in issue between the Municipality and the Devastanam

4.

4. The records forwarded with your
letter are returned.

M. Tirumal

For Collector &
District Magistrate
6.10

35

1/35 13 Nov 1897

Copy of letter No 136 dated 1st October 1897.
from the Chairman, Municipal Council,
Palni to the Collector of Madura

Referring to your letter Dis No 832/Mgt
dated the 25th Instant, I have the honour
to State that in as much as the Street
in question was open to the public for
a very long time, and as it was not ex-
cluded by Government at the time of the
Constitution of the Municipality, it is
a public Street and that the Government
order referred to by me in para 1 of my
letter to Government applies to the Street
in question. For the Same reason it is the
Devastanam that is to go to the Civil Courts
in Case they think that their rights have
been interfered with and not the Muni
-Cipality as the Joint Magistrate seems
to think.

2. I have already Set forth my reasons
in para 4 of my letter against the appli
-Cation of Sec. 79. I.P.C. to the Case in
Question, the accused being a resident
of Adivaram.

3. I, therefore, request that my letter
to Government be forwarded with your
views.

4. The records are herewith returned

M. Tirumal

35

For District Magistrate

2/ 13 Aug 1897

Municipal office Palni
No 11 15 September 1897

3513 M

From

G. S. Ponnu Swami Pillai Avergal B.A.
Chairman, Municipal Council
Palni,

To

The Secretary to Government
Local and Municipal Department Madras
Thro' the District Magistrate, Madura

Sir

I have the honor to forward herewith a Copy of judgment in Criminal appeal No 2 of 1897, in which the Conviction of one Ponnammal for having exposed things for sale in a public street was quashed by the Joint Magistrate, Madura and request that the Public Prosecutor may be ordered to move the High Court for the setting aside of the finding of the Joint Magistrate, as it is illegal on the face of the grounds noted below.

1. The Joint Magistrate seems to think that the street in question is a private street belonging to the Devasthanam. It is admitted by all the defence witnesses that the street in question is open to the public and that all persons (Other than

is allowed. Moreover ignorance of law is no plea. The Sub. Magistrate has also considered this fact and has therefore inflicted on the accused a light punishment vide para 4 of his judgment.

2. As the decision of the Joint Magistrate is one which permanently affects the rights of the Municipality, I request that the High Court may be caused to be moved at once in the matter.

3. Copies of other connected papers are also sent as per list.

I have the honor to be
Sir
Your most obedient Servant
G. S. Ponnuswami,
Chairman

1

FOR COPIES ONLY
INDIA
TWO ANNAS

Court of the Joint 1st class Magistrate of Madura
Appeal Case No 2 of 1897.

1. From what Court appeal is preferred } Stationary second class Magistrate Palni
2. No of the Case in the lower Court } C. C No 872 of 1896.
3. No of the appeal . . . . C. A. No 2 of 97
4. Name and description of the appellant } Ponnammal.
5. Sentence and law under which imposed in lower Court } Convicted under section 3 (6) of Act III of 1889 and sentenced to pay a fine of annas 8 or in default to suffer simple imprisonment for 2 days.
6. Confirmed Modified or Reversed _ Reversed.
7. Modification if any. _ _ _

Judgment. The appellant, Ponnammal, has been convicted under section 3 (6) of Act III of 1889.

2. The case for the (1) ~~defence~~ prosecution is that on 16th November last she exposed goods for sale so as to cause obstruction in a public street at Adivaram.

3. The Case for the defence is that appellant paid
Correction one

Iw
825

Arumugam to
Soobramaniar
Vendor
Palni
5 6 97

FOR COPIES ONLY 2

TWO ANNAS

INDIA

TWO ANNAS

دو (۲) آنه

THOS. DE LA RUE & CO. LONDON.

1 anna to the devastanam authorities for permission to expose the goods for sale at the spot in question. and that the street in question is a private street, being the property of the devastanam authorities.

4. The complainant is the Palni Municipal overseer & the real parties to the case appear to be the Municipal chairman & the Devastanam authorities.

5. It may be urged that, whether the street in question is public or private, there can be no reasonable doubt that it is a place of public resort.

6. I think however that to establish the offence, of which appellant has been convicted, obstruction to some person must be proved. This has not been done. If my view is incorrect the words "so as to cause obstruction" would have been omitted from section 3(6)

7. It appears from the evidence that the devastanam authorities have long been levying fees for permission to expose goods for sale in the street in question. It seems highly probable therefore that the street has been used

Corrections [illegible]

No 826

[illegible]
[illegible] aiyar
Vendor
Palni
5 6 97

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INDIA
TWO ANNAS

by the public only with the implied permission of the devastanam authorities.

8. Even assuming that it is a public street, the payment of 1 anna by appellant to the devastanam authorities renders it highly probable that she believed in good faith that the street belonged to them, in which case she is, I think, protected by section 79 I.P.C. Otherwise of course, she might have been convicted under section 283 I.P.C, even though there is no proof that any particular person was obstructed.

9. I think that the conviction is wrong. I therefore reverse the lower Court's judgment.

10. Appellant is acquitted

11. Fine paid will be refunded.

12. It is very undesirable that matters of a purely civil nature should be made the subject of a criminal prosecution. The claims of the devastanam authorities should either be admitted by the Municipality (or at least acquiesced in), or else they should be contested before a civil Court.

Correction [illegible]

2. W/827

Soobramaniar
Vendor
Palni
5 6 97

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TWO ANNAS
INDIA
TWO ANNAS

THOS. DE LA RUE & CO. LONDON

(Signed) R. J. Grimley
Dindigul ag. joint Magistrate
27-3-97

(True copy)

Copied by
Ramaswami
Copyist
Corrections nil

Compared by
Venkatachalam
Clerk

Head Clerk

In 8
In 828

Cr. [illegible] Ser. V for
~~Of~~ Soobramaniar
Vandry
Palni
21-6-97

Com
29/6/97

No of Words 550

application for copy received by the officer ordering grant of copy	8-6-97
order granting copy despatched to petitioner	17-6-97
Do produced before the officer preparing copies	Do
stamp papers called for	Do
Do produced	Do
copy ready	24-6-97
Do delivered or sent by post.	28-6-97

[illegible]
Head Clerk

Seal
[illegible]

3
3513 M of 1897

List of papers submitted with letter No 11 87
15th September 1897 to Government

—

(1) Copy of original Judgment
(2) Copy of Complaint by Municipal Sanitary Inspector
(3) Copy of deposition given by the Complainant before the Sub. Magistrate, Palni
(4) Copy of statement given by the accused
(5) Copy of deposition given by the defence 1st witness Setrama Mudali
(6) Do of 2d witness Velliappa Pillai
(7) Do of 3d witness Sundararajaiyangar
(8) Copy of appeal memo presented by pleader on behalf of appellant.

G. S. Ponnuswami
Chairman

15 Septr 97

4/3513 w of 1897

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INDIA TWO ANNAS

THOS. DE LA RUE & CO. LONDON.

(1) Copy of original judgment

Form 1. — Calendar and Judgment.

(For use in cases where there is only one accused person)

District of Madura. Calendar of cases tried by the 2d class Magistrate of Palni Taluk.

Date of				
offence & place	Report or complaint	commencing trial	sentence or order	
16 — 11 — 96 Palni	17 — 11 — 96	30 — 11 — 96	5 — 12 — 96	

Judgment in calendar case No 872 of 1896 on the file of the 2d class magistrate of Palni

Complainant: — Municipal overseer

Name of accused	Age	Father's name
Ponnammal	49	Arunachallam Pillai

caste or Religion	calling	Residence	Taluk
Vellalah	cooly	Palni	Palni

Offence. Exposing things for sale in the public street so as to cause inconvenience to the public under Section 3 clause 6 Act III of 1889.

Finding. Guilty.

Sentence - Fined 8 annas in default 2 days simple imprisonment } (signed) J Ganapati 2d class magte

corrections & c nil

No 3433

STAMP DEPARTMENT
11 DEC
1896
MADURA

15-2-97

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INDIA
TWO ANNAS

TWO ANNAS

THOS. DE LA RUE & CO. LONDON.

Thuraisami Mudali Sanitary Inspector deposes that the accused Ponnammal exposed cocoanuts fruit and other things of the kind for sale in the public street at Adivaram, Palni so as to cause obstruction on 16-11-96.

2 – The accused does not deny that she sold parched rice and other things at the place in question and gave a fee to the Devasthanam for doing so.

3 – Evidence has been produced with a view to showing that the place where the accused was selling is the property of the Palni Devasthanam. This is however is beside the point as the defence witnesses admit that the public have a right of way.

4 – The accused is convicted of exposing things for sale so as to cause obstruction under Section 3 (6) of Act III of 1889. As the accused may have believed that the fee paid by her entitled her to sell her things at the place she does not deserve any severe punishment. She is sentenced to pay a fine of 8 annas or to undergo Simple Imprisonment for 2 days.

(signed) J. Ganapati
Dy. Magte

Corrections nil
Compd by Raghupathi Row
Ag. gumasta

Copied by
A. Ramasamy Pillai
Copyist

(True Copy)
K. Subbayya

No of words: 294.
Head Clerk

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INDIA TWO ANNAS

No. 71.

Prosecution Instituted by the Sanitary Inspector, Palni Municipality

(2) Copy of Complaint by Municipal Sanitary Inspector

No.	Names of accused and residence	Act & Section	Subject	Name of Prosecutor	Names of witnesses & their residence	Date of charge	Remarks
	[illegible] 58 [illegible]	1884 [illegible] 173 - 263.	[illegible] [illegible] 16-11-96	[illegible]	[illegible]	16—11—96.	

Palni Municipal office 16th November 1896.

Sanctioned (Sd) G. S. Ponnusami Chairman

[illegible] Sanitary Inspector

Corrections & [illegible] [illegible] Raghupati Row [illegible]

Copied by.
R. Ramasamy Pillai
Copyist

[illegible] 77

K. Subbayyar
Head Clerk

No 3482

[illegible]

[illegible]

[illegible]

15-1-97

STAMP DEPARTMENT 11 DEC 1895 MADRAS

	701	7 . 1 . 97
		7 . 1 . 97
		15 . 1 . 97
		18 . 1 . 97
[illegible] delivered or [illegible]		20 . 1 . 97

H. Dobbins

STATIONARY SUB MAGISTRATE OF PULNEY

5/
3513 M of 1897

No. 3431

[illegible]

16/1/97

STAMP DEPARTMENT
11 DEC
1896
MADURA

Application No. 701 dated	7.1.97
Stamp Papers called for	7.1.97
Stamp Papers supplied	15-1.97
Copy ready	18.1.97
Copy delivered or by post to	20.1.97

STATIONARY SUB MAGISTRATE PULNEY

6/3513 of 1897

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INDIA TWO ANNAS

(3) Copy of deposition given before the Sub-Magistrate by the Complainant the municipal Sanitary Inspector

In the Court of Stationary 2nd Class Magistrate of Palani Taluq. Calendar Case No. 872 of 1896.

Deposition of 1st witness for Prosecution

Name [illegible]. Date 30-11-1896. Solemnly affirmed in accordance with the provisions of Act X of 1873, on the 30-11-1896. [illegible] Xd Examination – [illegible]

1st Sheet corrections &c nil

No. 3439

[illegible]

15/[illegible]

STAMP DEPARTMENT
11 DEC 1896
MADURA

FOR COPIES ONLY

INDIA
TWO ANNAS

[illegible]

(Signed) F. Ganapatti
Dty Magte 2d class

5-12-96. Solemnly affirmed.
By Court — [illegible] 16-11-96.
(Signed) F. Ganapatti
Dty Magte 2d class

Corrections to end (True Copy)

Compd by T. Raghupati Row
Ag. Gumasta

Copied by
Bapu Row
Copyist

20 of words 260

K. Subbayya
Hd. clerk

ரூ 3 [illegible]

[illegible]

[illegible]

[illegible]

15/1/97

STAMP DEPARTMENT 1896 MADRAS

701	7-1-97
	7.1.97
	15-1-97
	18.1.97
Delivered on	20.1.97

H D Abbru

STATIONARY SUB MAGISTRATE OF PULNEY

I 13 May 1897

FOR COPIES ONLY

TWO ANNAS

INDIA

THOS. DE LA RUE & CO. LONDON

(4) Statement of accused Ponnammal

Calendar case no 872 of 1896, on the file of the stationary 2nd class Magistrate of Palani Talug. On the 30th day of 11–1896. Accused's name [illegible]. Father's name [illegible]. Name of his village and talug. [illegible]. Caste and sect [illegible]. Profession [illegible] Age 49. [illegible]. Taken by me and it contains a full and true account of the statement made by the accused. (Signed) F. Ganapathi

Sty Magte 2nd class

5-12-96. [illegible] Taken by me and contains a full and true account of the statement made by the accused.

Corrections(?) [illegible]

(Signed) F. Ganapathi

Sty Magte 2nd class

Compd by Raghapata Row

By Genarlu

(True copy)

Copied by

Bapu Row

Copyist

No of words 99 K Subbayya

H d clerk

No 3434

[illegible]

[illegible]

[illegible]

[illegible]

15/1/97

STAMP DEPARTMENT
11 DEC
1896
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PULNEY

8/3513 No of 1897

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TWO ANNAS

(5) Deposition of Defence 1st witness Seturama Mudali

In the court of stationary 2nd class Magistrate of Palani Taluq. Calendar case No 872 of 1896. Deposition of 1st witness for defence. Name [illegible]. Village [illegible]. Taluq. [illegible]. Date 5-12-1896. Solemnly affirmed in accordance with the provisions of Act X of 1873. On the 5-12-1896. [illegible] 400 [illegible] 15-20. [illegible]

X^n Examination — [illegible]

Corrections [illegible]

Compd by T Raghupati Row
[illegible]

(Signed) T. Ganapatti
Sty Magte 2nd class

Copied by
Bapu Row
Copyist

(True copy)
No of words 107

K Subbaya
Hd clerk

No 3435

[illegible]
[illegible]
[illegible]
[illegible]
16 [illegible]

STAMP DEPARTMENT
11 DEC 1896
MADURA

701 — 7. 1. 97
7. 1. 97
15. 1. 97
18. 1. 97
20. 1. 97

[illegible]

STATIONARY SUB-MAGISTRATE OF PULNEY

1/3513 [illegible] 1897

FOR COPIES ONLY

INDIA TWO ANNAS

(6) Deposition of defence 2d witness Velliappa Pillai

In the court of stationary 2d class Magistrate of Palani Talug. Calendar case No 872 of 1896.

Deposition of 2d witness for defence. Name [illegible]. Village பழநி. Talug பழநி.

Date 5-12-1896. Solemnly affirmed in accordance with the provisions of Act X of 1873. On the 5-12-1896.

[illegible] x Examination. [illegible]

Reexamination — [illegible]. By court — [illegible].

Corrections &c [illegible] (Signed) F. Ganapatti [illegible]
Compd by [illegible] Raghupati Row Dy Magte 2d class
[illegible]
(True copy)

Copied by
Bapu Row
Copyist

No of words 91 K Subbayya

[illegible]

No 3436

[illegible]

STAMP DEPARTMENT 11 DEC 1896 MADURA

15/1/97

KS Clerk

STATIONARY SUB MAGISTRATE OF PULNEY

10 / 3513 no of 1897

FOR COPIES ONLY

TWO ANNAS

(7) Deposition of defence 3rd witness Sundararajayyangar

In the court of stationary 2d class Magistrate of Palani Calendar case No. 872 of 1896. Deposition of 3d witness for defence. Name சுந்தரராஜய்யங்கார். Village பழனி Talug பழனி. Date 5-12-1896. ~~Date~~ (1) Solemnly affirmed in accordance with the provisions of Act X of 1873, on the 5-12-1896. [illegible] 1801 [illegible] 1-2. [illegible] 104-13 [illegible] 1888 [illegible] 3.4. [illegible]

1st Sheet Erasure (one) KS

No 3437

[illegible]

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15/1/97

STAMP DEPARTMENT
11 DEC 1896
MADURA

FOR COPIES ONLY

INDIA TWO ANNAS

TWO ANNAS

THOS. DE LA RUE & CO. LONDON.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] X^d Examination — [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] (Signed) T. Ganapathi
Dty Magte 2d class

(True Copy)

Compd by ~~Raghupati Rao~~
Hd Gumasta — No of words 246.

K Subbayya
Hd Clerk

Copied by
Bapu Rao
Copyist

2d & last Sheet

No 3438

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15/1/97

STAMP DEPARTMENT
11 DEC 1896
MADURA

701 7.1.97

7.1.97

15.1.97

18.1.97

20.1.97

H D Coleman

STATIONARY SUB MAGISTRATE OF PULNEY

11

13 Aug 1897

FOR COPIES ONLY

INDIA TWO ANNAS

(3) Appeal Memo

In the Court of the Joint Magistrate of Madura.

Criminal Appeal No 2 of 1897 against the decision of 2nd class Stationary Magistrate of Pulney in C.C No 872 of 1896.

Appeal put in by pleader on behalf of Ponnammal the Appellant on the following grounds among others.

Respectfully sheweth.

1. That the decision of the lower Court is against the law and merits of the case.
2. That the lower Court ought not to have ignored as it has in this case done the fact of ownership of the disputed land resting with devastanam.
3. That lower Court is wrong in having held that the place is a public street in the absence of legal & substantial evidence therefor.
4. (1) ~~That the lower Court does not appear to have considered the facts that the~~ That the lower Court has not acted upon sufficient and satisfactory evidence proving obstruction

Corrections &: (1).

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5. That the lower Court does not appear to have considered the facts that the disputed land paved all over with stones belongs to the devastanam, that it is always used by devastanam for car and other festival processions, that as it is for the main (1) part of the year kept vacant the large number of pilgrims and others use (of course with ~~an~~ (2) implied permission of devastanam authorities) a portion of it as path only in going round the shrine on the rock, and that owing to the misunderstanding which has recently risen between the Municipal chairman and devastanam authorities this case was maliciously brought on in view to cause serious loss of income to the devastanam which it has been obtaining from time immemorial.

6. That it is also a fact well known to this Court that the stationary Magistrate has on previous occasions shown himself to be unfavourably inclined towards the devastanam.

7. And that the appellant therefore prays that on consideration of all the above points your

Corrections &c. (2).

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honors will be pleased to reverse the lower courts decision and thus render her justice.

(Sd) Athmanathan Iyer
Pleader

2-1-97.

corrections &c. nil. (True copy)
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Compared by Rangaram
clerk

Head clerk

STAMP DEPARTMENT MADURA 11 JAN 1895

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COLLECTOR'S OFFICE 1 OCT 1897

No of words 345.

Application for copy received by office } 8/6/97

ordering grant of copy }
Order granting copy } 18/6/97
desp. to Petitioner }

do produced before } 18/6/97
the officer preparing copies } 18/6/97 &

Stamp papers called for.

do produced 18/6/97 & 18.8.97.

Copy ready 30/8/97

Do Delivered 3/9/97
by post.

Head clerk

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12
3513 of 1897

When given for copying
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