

INDEXED

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 372 M

DATED

4-3-97

DESPATCHED

[Despatch Abstract.]

Enchoachment

Informing the Chairman M.C., Nellore, that
in the matter of certain — cases, reported, it is open
to the M.C. Council itself to take such legal
opinion as it may be advised.

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1897) Department.

CURRENT No. 83 m

From

The Chairman
Municipal Council
Mellor.

Misc

Order. No. 372 Mmis. 4-3-97

The Government is not

No. 18 of 1897.
m

prepared to refer to the Advocate.

General the question raised by
the chairman. ^{As to} the municipal
Council ^{itself} ~~has~~ ^{to take} ~~no~~ ^{legal} ~~advice~~ ^{union} ~~in it~~ ^{may be advised}
~~more in the matter if necessary.~~

Dated 6 January 1897.

Received 1/1/97

Registered 4/1/97

Enclosures one

Spare copies nil.

P.A.
26/1/97

C.F. 3/3/97

Please show me a precedent.

Surely if we refuse to consult the A.G.
we cannot ask the M.C. to consult
him as A.G. Of course they may take
Council's opinion of the choice.

The chairman, Mr. Mellor 1/3/97

(1) Please see G.O. No. 499m & 332d.
4.11.89 10.2.92

(2) The Council can consult the Advocate

General as Counsel and not in his offi

capacity. This is what was intended to be said

may be but quite a different
thing was put in the draft
Issue in altered

SUBJECT.

Encroachment cases :- Reporting certain
facts of the — in Stonehouse bett and
requesting that the opinion of the Advocate
General may be obtained as to the
validity of the chairman's permission
under Section 180 of the Act when the
Council does not delegate to him its
power under the said Section.

V.A.
2/3/97

G.O.	No.	Department.	Date.
fo	863	Re	21-5-96
fo	2095	hch	16-12-96
fo	1702	hch	5-10-96
fo	1607	hch	19-9-96
fo	22	L.	9-1-95

G.O.	No.	Department.	Date.

EXTRACT FROM RESOLUTION BOOK OF THE NELLORE MUNICIPALITY.

No. 279 dated 14th December 1896.

Subject or Proposition. Read Correspondence Ref no 2056 regarding

the encroachments made by 1 Gundlapally
Varisimbulu Chetty 2 Cheti Venkatarangiah
and 3 Cheti Papiiah alias Kanniah at
Stone-housepett.

Resolution The matter is to be referred to the
Advocate General for his opinion

(Signed) O. A. Tenebramiah
Chairman Delegate.

(True Copy)

P. Sivanaya
Chairman.

No. 18
MUN.

NELLORE MUNICIPAL OFFICE,

Dated 6th January 1897.

Enc.

From M.R.K.

RECEIVED 7 JAN 1897

P. Pitaramaiah Pantulu Gannu M. a
Chairman Municipal Council,

LOCAL & MUNICIPAL DEPT.
Nellore.
CURRENT No. 83 M

To

The Secretary to Government
Local and Municipal Department
Sir,
Madras.

With reference to para 2 of G.O dated
10th December 1896, No. 2095 M. No. I have the
honor to submit the following.

2. Notices having been issued to Cheti Papiiah,
Cheti Venkatangaiah and Gundlapalli Narisim-
- hulu Chetty to remove the encroachments
referred to, they did not remove the same,
alleging on the other hand, that permissions
had been granted to them by the Municipality
on their applications; that the houses in question
had been built in strict accordance
with the terms of the permissions and that
they

they really made no encroachments at all.

3. Cheti Papiak and Gundlapalli ~
Ramaiah Chetty presented applications on
the 11th December 1890 for permission to build
new houses on their vacant sites. Papiak's
petition was referred to the then Councillors
Messrs G. Karasaiah Panbule and G. Ramaiah
Chetty, and that of Ramaiah Chetty to
Messrs G. Karasaiah only. On their ~
recommendations permissions were granted
by the then Chairman Mr Maclean on the
31st January 1891 to build new houses on
Condition that they should leave Municipal
land of a width of 18 feet between the
avenue trees and their own land.

Ramaiah Chetty appended two
Sketches to the petition and these are now
alleged to be the sites of the buildings ~
belonging to Cheti Seneatangaiah and
Varasimhulu Chetty, which appears to be
the case under the circumstances since
alleged

alleged by Seneatangaiah viz that Seneatangaiah
was under the protection of Ramaiah Chetty,
his grand. father, and that the latter as his
guardian applied for permission on his behalf
also.

4. The houses of Cheti Papiak and Seneatangaiah
appear to have been built sometime after
the receipt of the permissions.

5. When Karasimhulu Chetty began to
build the house in 1894, the then Chairman
made enquiries and permitted him to build
the same as per endorsement originally given,
prescribing at the same time the road width to
be left in front of his houses.

6. All these houses have been built in
accordance with the permissions granted.

7. Till 11th May 1895 when the Council delegated
its power under Section 180 of the Act to the
Chairman, all permissions for the construction
of new houses under this section were being
granted by the Chairman in his executive
Capacity

Capacity, except in cases which he specially placed before the Council now and then.

8. Several houses were newly built on the sides of the Nabobpett - Stonehousepett road on the sole permission of the Chairman and they are not yet of 12 years' standing. As the Survey plan had not been consulted when permissions were granted and as the Sale-deeds were indefinite in describing the limits of the private land on the road-sides encroachments have been made in most cases.

9. The Council intends to take action in all encroachment cases of less than 12 years existence, but it is at the same time doubtful whether the parties can claim civil damages against it for any injury that they may sustain by the removal of these encroachments made on the strength of the permission of the Chairman, in spite of its having been granted ultra Viris against

the distinct provisions of the Section 180 of the Act.
10. For this reason the Council hesitated to enforce its claims in Court before obtaining the authoritative opinion of the Advocate General on the subject. It was therefore resolved at the meeting held on the 14th December 1896 that the matter be submitted to Government for favour of reference to the Advocate General.
11. Copy of the Council's resolution referred to above is herewith submitted.

I have the honor to be
Sir

Your Most obedient servant,

P. S. Ita-
Chairman.

88
6.1.

11
41

When given for copying

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When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILLED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

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