[L. & M. 2,000—1-3-98.]

Local & Muni. (189) Department.

MISCELLANEOUS.

G.O., No. 1021 M.

DATED 7-6-98.

INDEXED. CR

DESPATCHED

[Despatch Abstract.]

Petition

Requesting the Collector of Madura to expedite the submission of the memorial of the Municipal Councillors of Dindigul requesting the Chairma Municipal Council to convene a special meeting of the Council.

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. (189) Department.

CURRENT No. 1792 M

From Municipal Councillors
Dindigul

No.

to misc

Order No. 1021 M Misc 7-6-98.

The Collector of Madura is requested to expedite the submission of the memorial referred to by the petitioners.

V.R.
6/6/98

Dated 23rd May 1898

Received 26th May 1898

Registered

Enclosures 2

Spare copies.

SUBJECT.

Complaining against the refusal of the Chairman to convene a meeting at their requisition & requesting to direct him ~~that the Chairman may be directed~~ to do the same and to pass such other orders as may be necessary for his future guidance.

To
The Collector of Madura
Desp 8/6/98

27/6

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	443	L	4-4-94
"	240	L L	22-2-93
"	1105	L Li	28-8-93

FURTHER PAPERS.

G.O.	No.	Department.	Date.

1

UNDER SECY TO GOVT
25 MAY 93

To

His Excellency The Governor
In Council.

Fort Saint George.
Madras

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1792 M

The humble memorial of the undersigned members of the Municipal council of Dindigul

Most Respectfully Sheweth that:

In accordance with the provisions of section 29 cl. 2 of the District Municipalities Act a requisition in writing was duly made to the chairman of the municipal council by four out of the undersigned councillors for convening a special meeting for the purposes specified in the requisition a copy of which is hereunto annexed (Enclosure No. 1)

2 — To the great surprise of Your Excellency's memorialists the said requisition has met with a response declining to convene the meeting, contrary to the express provisions of law (vide Enclosure 2); and

and, while the chairman has, chosen to act against the express provisions of law the style, and form of his communication to the memorialists of his refusal to convene the meeting, are highly undignified. if not insulting.

3 — Your Excellency's memorialists beg to submit that the chairman's action in declining to comply with the said requisition is, as illegal as it is improper for the reasons hereunder set forth

(a) Section 29 clause 2 makes it compulsory on the part of the chairman to convene the meeting of the council in pursuance of the requisition made under that section.

(b) The chairman ought not to have declined to comply with the requisition made by four out of twelve councillors, which is the sanctioned strength of the council, on his own individual opinion and he should have moved at the meeting convened for the purpose, his objections if any, against the said requisition

(c) All the questions involved in the proposals contained in the said requisition are perfectly within the legitimate

functions of

functions of the council to consider, and the memorialists submit that they should therefore have been brought for consideration before the meeting.

(d) The chairman has no power either under the provisions of law or under rules framed thereunder to withhold on any ground whatsoever any proposal duly made or question duly raised from being considered by the council

4 – The memorialists regret to point out that the action of the chairman has in this instance retarded the prompt and efficient discharge of legitimate dutie of the council, and they apprehend that such an attitude on the part of the chairman towards the council is likely to interfere with the duties and responsibilit of the council

5 – The proposals that had to be considered at the meeting being sufficiently self-explanatory any further comments as to the propriety thereof appear in the memorialists' humble opinion unnecessar

The memorialists

The memorialists, therefore, pray that your Excellency be pleased to direct the chairman to convene a meeting for the consideration of the subjects contained in the requisition and to pass such other orders as may be necessary for future guidance.

The memorialists further pray to be pardoned for submitting this memorial directly to your Excellency in council as they have already on 23rd March last submitted their memorial through the collector of the District.

Councillor

23rd May
1898

Councillor

Memorial from the undersigned Municipal Councillors Dindigul.

1. A. Athmanatha Aiyar avergal
2. K. Anantha Narayana Aiyar avl.
3. T. Rajagopaul Naydu Garu
4. S. P. Muthu Naiker avergal.
5. K. Ramasamy Chetty avl.
6. T. S. Muthu Rama Nowther avl.

To

The Chairman
Municipal council
Dindigul

SECY TO GOVT
MAY 98

Sir:

We the undersigned Municipal councillors have the honor to request under section 29, clause II of the Municipal Act to convene a special meeting of the council at 8 A.M. on Friday the 22d Instant at the Municipal office to consider the following subjects.

We further request you to be good enough to circulate, among the councillors all the papers, connected with the following subjects, and the acting Sanitary Engineer's report to Government on his last inspection of present water-works

Subjects

1- To see what measures have been adopted by the chairman for the prevention and suppression of cholera, which has of late appeared in the town, and to concert such further measures as may be found necessary

To meet

2 To concert measures for supplying water to the town, as the quantity now supplied is very little and the scarcity of water in the town is already very much felt by the people

3. To consider whether in consideration of the very little work that has to be done by the existing water works Establishment. it is necessary to maintain the same on its present scale and with present strength.

4. To consider the two propositions put forward by Mr. T. Rajagopalu Naidu Councillor regarding the restoration of Jubilee fountain and the improvement of the Municipal well in Aramanikulam tank bed.

5 – To consider the charges of misappropriation of Municipal funds lately brought forward by two councillors against the sanitary Inspector Shunmugam Pillai and take necessary steps thereon, if found necessary.

6 – To consider and determine the powers of the Municipal council regarding the transfer of Municipal contracts and appeals from chairman's

orders

orders on application for such transfers.

7 - To, consider the question of furnishing progress reports to the Municipal Council by the, chairman under section 32, clause II.

8 - To make rules regarding the division of duties, among the members of the council under, clause 4 of Section 38 of the Municipal Act.

9 - To, consider, whether, in the interest of Education as, well as Municipal finance, it would not be desirable to appoint Mr. Krishnasawmy Row, a longstanding and trained teacher in the place of Mr Bhima Row the first assistant instead of Mr Kothanda Ramier who is not a trained teacher and to appoint Mr. Krishnasawmi Sarma in the place of Mr. Krishnasawmi Row, and to appoint Mr. Kothanda Ramier in his place

We have the honor to be,

Sir.

Your most obedient Servants.

(Signed) K. Ananthanarayana Iyer
(Signed) A. Almanadha Iyer
(Signed) S. P. Muthu Naidu
(Signed) M. Arogium Pillai

15.4.98.

(True Copy)

Councillor

1898

Dindigul
Municipal Office

From
G. Mengel
Chairman
Municipal Council
Dindigul

To M.R.Ry. K. Ananthanarayanier Al.
" A Atmanadha Iyer Al
" S.P. Muthu Naicker Al
" M. Arogium Pillai Al
Municipal Councillors
Dindigul

No. 15

Dt. 18.
Despd. 18.
Received } April 1898

Enclosure one

Reference this your office No.

Subject.

Gentleman

Refering to your letter of requisition dated the 15th current, I have the honor to forward herewith for your information a copy of my endorsement thereon.

I have the honor to be,
Gentleman,
Your most obedient Servant.
(Signed) G. Mengel
Chairman

(True Copy)
A Muthumuthiah
Councillor
23. 5. 98

Endorsement of the Chairman Municipal Council Dindigul on a letter of requisition signed by four, of the Municipal, councillors dated the 15" Instant.

The, chairman declines to convene the meeting under the requisition as there are several subjects therein which the councillors have no voice in. If the councillors will, confine themselves to subjects in which they have a voice the chairman, will be pleased to convene a meeting

(Signed) G. Mengel
Chairman
18. 4. 98.

(True, copy)

(Signed) G Mengel
Chairman
18.4.98.

(True copy)

A Cutthenmuttuk
Councillor
23. 5. 98

UNDER SECY TO GOVT
25 MAY 98

Enclosure No. 2.

When given for copying ——
When copied ——
When examined ——
When signed —— 7/6
} 189 .

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

CURRENT No.

ENCLOSURES TO C. 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.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

BACK PAPERS.

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

FURTHER PAPERS.

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

Coml No. 475 Municipal Council's Office, Anan

UR
R B & G 410
17/5/98

Local & Munl. (1898) Department.

CURRENT No. 1745 M

D. VENKATA SASTRI 17 MAY 98

UNDER SECY TO GOVT 21 MAY 98

From The Chairman
Municipal Council
Anantapur

Kovl No. 475

Order

Dated the 16th May 1898.—
Received
Registered
Enclosures One
Spare copies

SUBJECT.

Reporting ~~the action taken by~~ ~~and~~ the decision of the Council in the matter of removing the platforms over the side drain in the Munro's street.— and the action taken thereon.

N. Disposal B & G 410 20/5/98

1. Submitted to the Secretary to Government, Local and Municipal Department.
2. The subject is pending with me, on the magisterial side.

Bannatyne Macleod
Collector

Cg
Str

ER
E He

UR
18/5/98

Cur. 1461 M & 1745 M.

V / Mis. Orders. No. 1022 M Mis d 7-6-98.

The action taken by the District Magistrate should be reported to Government.

V.R. 6/6/98

98

6.6.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To The Collector of Anantapur
.. .. Chairman M.C. do. } P.O.

Desp. 8/6/98

IR 6/6/98

Cur. No. 475
16-5-98
Enclosures

Municipal Council's Office, Anantapur,

Anantapur the 16th May 1898.

FROM

M.R.Ry. Rao Bahdur M. Armugam Pillai Avergha
Ex-officio Chairman Municipal Council,
ANANTAPUR.

17 MAY

LOCAL & MUNICIPAL DEPT
CURRENT No. 1745 M

To

The Secretary to Government
Local and Municipal Departmen
Fort Saint George.

through The Collector of
Anantapur

~~SIR,~~

Sir,

Adverting to official Memorandum No 552, dated 10th May 1898, I have the honor to report that, at its meeting held on the 18th April last, the Council resolved in reference to the acquittal by the Magistrate of the persons prosecuted for failure to remove the coverings over the side drains as per notices served on them, that the District Magistrate be requested to move the High Cour to set aside the acquittal.-

2. The District Magistrate was addressed on the subject accordingly in my letter No. 475 dated 26th April 1898, a copy of which is herewith sent for the information of Governmen

I have the honor to
Sir
Yours Most Obedient Ser
Arumugam
Ex. officio C

ANANTAPUR MUNICIPAL COUNCIL'S OFFICE,

Dated, the 26th ~~May~~ April 1898.

Rc. No. 475
26-4-98

FROM M.R.Ry. Rao Bahadur M. Arumugam Pillai Averghal
Ex-officio CHAIRMAN, MUNICIPAL COUNCIL,
ANANTAPUR.

D. VENKATA SASTRI
17 MAY. 9

To
The District Magistrate
Anantapur.

Sir,

In para 4.(5) of G.O. No. 1759 dated 11th ~~Au~~ August 1897, Government directed that under Sections 168 and 210 (4) of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897, the Municipality possessing ample powers in regard to the removal of the platforms put up over the side drains in Munro's street, the Council should take immediate steps for their removal. —

2. In the first instance notices were served on the owners of houses, the platforms in front of which were in the opinion of the Council too obstructive to admit of the free egress and ingress of a person to clean them, to the effect that they should remove them within a week after the receipt of the notice.

3 These notices not having been complied with, the Council resolved that the platforms should be removed by Municipal agency and the cost recovered from the persons concerned. — The former was done but the very day some of these platforms were rebuilt without permission; while the owners of

others applied for permission to put them up again under such conditions as the Council may deem fit.-

4.- At its meeting held on the 15th February 1898, the Council, in disposing of the matter, resolved that the latter be given permission under certain conditions as to height and breadth of the platforms subject to the final orders of Government and that the former should be prosecuted and the platforms removed, at the same time, as before.-

5. I accordingly had the prosecutions instituted.- The Stationary Sub Magistrate who enquired into the cases acquitted the accused on the ground that the removal of the platforms were informal under section 168 of the Act since no compensation was offered and that rebuilding platforms so informally removed was no offence.-

6. It was argued for the prosecution that the side channel together with its appurtenances whether public or private the Municipal Council has a right to dispose of as it thinks fit and that when once under that authority the platforms have been removed their rebuilding without permission was an offence falling under Section 212 of the Act, but it was over-ruled.- Several other persons - platforms in front of whose buildings were removed, have also rebuilt them.-

7. I [illegible] to state that the view taken by the Sub Magistrate is quite illegal. Section 168 of the Municipal Act simply prescribes the procedure to be adopted in the matter of removing encroachments by the Municipality and does not concern the administration of justice by a Criminal Court. The case of a drain is quite distinct from other Municipal property.- By section 24 of the Municipal Act, all drains whether public or private, are vested in and belong to the Municipal Council and under clause 4 of the Section 210 the Municipal Council is empowered to do anything it liked with the drains so vested in them by the act. The Municipal Council's action in removing a platform over the drain was therefore quite within its competence. The question of compensation is beside the question at issue before the Magistrate. In fact the law does not contemplate the payment of compensation in such cases.- The building having thus been removed any new building over such drain requires to be constructed only with the previous permission of the Municipal Council under section 212. The parties in C. C. Nos. 47, 49 and 50/1898 have however constructed the platforms again newly and have therefore clearly committed an offence under Sections 212, 263 and 264 of the Municipal Act.-

8. Under these circumstances I have the honor to request you to move the High Court to set aside the acquittal either on the revision side or by an appeal on behalf of the Government.-

I have the honor to be, Sir

          xx   xx   xx
(Signed) M. Arumugam Pillai
Ex-officio Chairman

(True Copy)

Arumugam
Ex-officio Chairman.

FROM

The Chairman
Municipal Council,
ANANTAPUR.

TO

The

DATED

DESPATCHED

No.

ENCLOSURE

SUBJECT.

C 689
3-4-98

Local & Munl. (1898) Department.

CURRENT No. 1461/M

DISTRICT TREASURY, ANANTAPUR.

From The Chairman
Municipal Council
Anantapur

UNDER SECY TO GOVT PUBLIC DEPT 27 APR 98

Ref on No. 475

VENK... SASTRI 21 APR.98

Order

Dated 1st April 1898

Received

Registered

Enclosures 2

Spare copies

N. Disposal.

C 689
25/4/98

Submitted to the Secretary to Government, Local and Municipal department.

W. Macleod
Collector.

3/4/4

21/4/98
21/4/98

(P. T. O)

15/5/

SUBJECT.

Reporting that the ~~results of prosecution~~ persons prosecuted ~~who failed~~ ~~for failure~~ to ~~instituted against persons failing to remove~~ remove the coverings over side drains ~~the platforms~~ as per notices served ~~was~~ ~~have been~~ ~~then~~ acquitted ~~so~~ by the Magistrate and stating that the Distt Magistrate will be requested to move the High Court to set aside the acquittal-

3/5

ref. 652/10/5/98

The Chairman is requested to report the decision of the municipal council in the matter, at its meeting of the 18th April 1898 and the action, if any, taken thereon.

7/5/98

9.5.98

Copy

9/5

To The Chairman. M. C. Anantapur.
through The Collector

10/5/98

9/5/98

BACK PAPERS.

G.O.	No	Department.	Date.
G.O.	2544	M.L.	18-11-97
"	1759	"	11-8-97
"	1162	"	4-9-93

FURTHER PAPERS.

G.O.	No.	Department.	Date.

ANANTAPUR MUNICIPAL COUNCIL'S OFFICE,
Dated, 1st April 1898.

Refer No. 475/2-4-98

From
Surgeon Major H. McHakim
CHAIRMAN, MUNICIPAL COUNCIL,
ANANTAPUR.

To
The Secretary to Government
Local and Municipal Department
Fort Saint George
(Through the Collector of Anantapur
& the Revenue Divisional Officer Anantapur.)

Sir,

In continuation of my letter No. 475/1-11-97 and with reference to Government ~~Memorandum~~ No. 2544 M Mis/18th Nov 1897 I have the honour to submit the following in connection with the action taken by the Council to have the platforms over side drains in Main Street removed:—

As already submitted in my letter quoted above notices were served on the owners of the houses over the side drains in front of which the platforms were put up to remove the platforms, only such as in the opinion of the Council seemed too obstructive to admit of the free egress and ingress of a person to clean them.

The notices not having been complied with, the Council resolved that these platforms should be removed by Municipal agency and the cost recovered from the persons concerned. This was done, but the very day some of them were rebuilt without permission while the owners of others applied for permission to rebuild them under such conditions as the Council may deem fit.—

2 At its meeting held on 15th February 98 the Council in disposing of the matter resolved that the latter

ref. 652 / 10/1[illegible]

be given permission under certain conditions as to height and breadth of the platforms subject to the final orders of Government, and that the former should be prosecuted and the platforms removed at the same time, as before:

3. I first had the prosecutions instituted, deferring the other action pending their result.—

4. The stationary Sub Magistrate who enquired into the cases, acquitted the accused on the ground that the removal of the platforms were informal under section 168 of the Act, since no compensation was offered, and that rebuilding platforms so informally removed was no offence.

5. It was argued for the prosecution that the side channel together with its appurtenances, whether public or private, the municipal Council has a right to dispose of as it thinks fit and that when once under that authority the platforms have been removed their rebuilding without permission was an offence falling under Section 212 of the Act, but it was overruled:—

6. Several other persons, platforms in front of whose buildings were removed have also rebuilt them.

To

I have the honour to be
Sir
Your most obedient Servant

Surgeon Major
Chairman

1 / 14 [illegible] 98

Swt C No 475 / 13-4-98

N Reference. on C 652

Returned to the Chairman Municipal Council, Anantapur for retransmission through the Revenue Divisional officer.

2. All important papers like the present should pass through the Revenue Divisional Officer as directed in G. O. No. 1162 dated 4th September 1893.

3. It has not been stated if an appeal has been preferred against the decision of the S. S. Magistrate regarding the re-building of the platforms by the owners without permission

Anantapur Collector's Office
Dated April 1898

[illegible]
For Collector

HC / 9/4/98

To
The Chairman
Municipal Council
Anantapur

N.B.—
A = Copy in full.
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Q = Copy heading only.

C. No. 475
13-4-98

18th April

N. Reference.

Returned to the Chairman, Municipal Council, Anantapur for retransmission through the Revenue Divisional Officer.

2. The Municipal reports like the present should pass through the Revenue Divisional Officer as directed in G.O. No. 1162 dated 4th September 1893.

3. The Chairman has not stated if an appeal has been preferred against the decision of the S. Magistrate regarding the re-building of the platforms by the owners.

Anantapur Collector's Office } Collector
April 1898

HL
9/v/98

To
The Chairman
Municipal Council
Anantapur

2
1461 M/98

C Ro 504
19/4/98

Ke 689
21-4-98

Ref. No. 475

ANANTAPUR MUNICIPAL COUNCIL'S OFFICE,
Dated 18th April 1898.

LOCAL & MUNICIPAL DEPT
CURRENT No. 1461 M

From
CHAIRMAN, MUNICIPAL COUNCIL,
ANANTAPUR.

D. VENKATASASTRI
21 APR. 98

To
The Collector of Anantapur
through the Rev divisional officer Anantapur

Referring to your N.C. No. 689/10-4-98 I have the honour to forward my letter no. 475/2-4-98 through the Revenue Divisional officer as pointed out therein and to state that the acquittal of the persons prosecuted for rebuilding platforms will be reported to the Council when it next meets on the 18th instant and the District Magistrate will then be addressed to move the High Court to set aside the acquittal & order a retrial, if the Council so desires.

2 The Municipal Council being the complainant in these cases there lies no appeal for it against the acquittal order of the magistrate.

N. Dr 504/19-4-98 Encl,

I have the honour to be
Sir
Your most obedient servant
P. A. Srinivasa Rau
Councillor for Chairman

Submitted
D. Venkata Sastri
I.D.C.
19.4.98

TER OF GOVERNMENT.

TATEMENT WITH DITTO.

PERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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M.]
L 15-10-00.
2,000—

Paper taken out of the Records from the charge of the Referencer.

~~Press~~
Ordinary No. 1023 ½ dated 7-6-08 190 .
Routine

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
11/12/00	M.	2994	00			
[illegible]						
12/8/04	M	2645	904	T. S.		

Disposed