Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1116 M

DATED 22-6-98

INDEXED.

See 176

DESPATCHED

[Despatch Abstract.]

Fencing the East Coast Railway.

Stating, with remark, that the Municipal Council, Rajahmundry is at liberty to take such action as it thinks fit, if the Manager of the East Coast Railway refuses to comply with its order issued under Section 176 of the Distt. Municipalities Act, regarding ——— on the western side of the Railway line between the Rajahmundry and Godavari North Station limits.

the pub[illegible] involuntarily into
danger without being able to keep out of it.

on to graze, instead of ordering fencing

BACK PAPERS.

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

FURTHER PAPERS.

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

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500 -16-

Fencing of the East Coast Railway at Rajahmundry.

Papers to be read in Proceedings :—

Again G.O., No. dated 189 ,
Again G.O., No. dated 189 ,
Current No. 1120 M of 1898, dated 8. 3. 98, from The Collector of Godavari
& „ „ 1349 M „ 1898, „ 14. 4. 98, „ The Public Works Dept.
„ „ „ 189 , „ , „

Mis. ORDER. No. 1116 M Mis dy 22-6-98.

I quite agree that the Municipality has ample powers to compel either the Railway to make the fence or the owner of the waste land to make it, or both.

FKS 15/6

Note for the Secretary

Should this be sent to the P.W.D. for communications?
V.R. 3/6/98

The Government is of opinion that if the Manager of the East Coast Railway refuses to comply with the order issued by the Municipal Council under Section 176 of the District Municipalities Act, the Council is at liberty to take such action as it thinks fit to enforce compliance with its order, for which Section 264 gives it ample powers.

(From orders).

V.R. 3/6/98

W.T. 15-6-98

FKS 15/6

To. The Chairman M.C. Rajahmundry
thro' Collector of Godavari
„ „ Public Works Dept.

~~ issue 22/6/98

the public may be carried involuntarily into danger without being able to keep out of it.

P.T.O.

picketing their cattle on the bank or driving them on to graze, instead of ordering fencing I advise that the whole power -

Public Works Department,
Railway Branch.

OFFICE NOTE No. 5. R. M6
O

Dated 14th April 1898.

LOCAL & MUNICIPAL DEPT.
CURRENT No. ~~1012 R~~

1349 M

From

THE JOINT SECRETARY TO GOVERNMENT, P. W. D. (RAILWAY BRANCH),

To

THE Secretary,
Local and Municipal Department.

I return the papers received with your Office Memo. No. 426, dated 6th April 1898, with the following remarks.

Railways are fenced in the interests not of the outside public, but of the travelling public in the Railway's trains. It is the duty of the outside public to refrain from trespassing, either in person or by their cattle, on Railways, or on Railway lands. If the public cross at any part of a fence except at an authorised crossing they are trespassers and can be punished under the Railway Act.

When as Government Inspector of Railways, I have to consider any question of fencing, or not fencing, I consider it from the point of view of the safety of the travelling public. If the circumstances are such (as for instance, when a public cart road runs alongside in such a way that bullock-carts may get on the line) as to endanger trains, I order a fence. But when I find owners habitually picketing their cattle on the bank or driving them on to graze, instead of ordering fencing I advise that the whole power -

on Cur No 1120 M

This is an astounding statement

This theory has been steadily carried out on many hundreds of miles in India and I fancy in the Colonies. In Assam the magistrates tried to find the railway at fault when men or cattle were run over. The Govt. held that it is the duty of men and of cattle herds to keep off railway land so long as it is marked, not necessarily fenced. Govt went so far as to instruct Police to prosecute cattle owners for rash and negligent acts in allowing their cattle to trespass.

The case inside a crowded town where carriages and horses are concerned is of course different. It is then a question of the safety of the public as elsewhere. But there the public may be carried involuntarily into danger without being able to keep out of it.

P.T.O.

police should be used to secure the safety of trains.

I do not consider that the safety of the heavy East Coast Railway engines is endangered by a few cattle; and I consider that the management of the Railway is remiss in not making an example of a few cattle owners if, as is claimed, cattle are often run over.

It would be much more logical if the Municipality were to order the owner (Government ?) of the waste land by the river bank to fence its land off, in order that the people who are permitted to graze cattle on it may not, in defiance of the law, endanger the safety of trains by letting their cattle stray on the land of the Railway which is, I believe, clearly marked out.

It is impossible for me to say whether the Municipal Council of Rajahmundry can or cannot enforce their order under Section 176 of the Municipal Act. As I have said above, it seems scarcely clear that the order ought not primarily to be enforced against the owners of the outside land, just as it would undoubtedly be enforced against the owner of a house and compound bordering on a public road rather than against the public road authorities.

A fence is not an accommodation work. An accommodation work is a work of the character of a bridge, or a level crossing, or a sub-way, or a road diversion, designed to continue to the public or to a private individual the crossing rights they previously enjoyed. But in the case of a level crossing no Local Authority can insist on any particular pattern of gate, for instance, as for example, whether it shall close across the Railway as well as across the road. The Railway is compelled by the Government Inspector in certain cases but by no means everywhere, to have gates and gatekeepers at level crossings. Nine tenths of the crossings of many Railways, chiefly unfenced Railways, have neither gates nor gatekeepers. It is the business of the people to get out of the way of the trains instead of being coddled like a lot of children; and, as a fact, everywhere, when they have had time to grow a little civilized, they do get out of the way. When a road is frequented by carts the Government Inspector will usually order a gatekeeper, not necessarily a gate, because of the risk to trains of a frightened cartman unyoking his bullocks and leaving the cart on the line.

All the same, if I were in the Manager's place, I would go to the small expense of fencing for my own convenience, and to be in a better position to entrap cattle illegally driven on to the line. But I do not think that he will find it difficult, with competent legal advice, to evade the Municipal Order.

Francis R. Spring

Joint Secretary.

14/9/98

Enclos: File of papers (11) including plan

But the same cannot be said of cattle deliberately driven across or carelessly allowed to stray across a railway to the imminent danger of light rolling stock. In the case of the E.C.Ry. engines it will usually be "verra bad for the Coo." as George Stephenson said.

I have not the slightest doubt that under the law the Municipality can order a fence to be built between two properties. But I take it that a question will arise as to which of the two occupants should pay. The one carrying on his lawful business without intruding on his neighbour, or the one who habitually trespasses, or what is much the same thing lets out his land to people who habitually let their cattle trespass on the other owner's land.

F.R.S.

15/6/98

[L. & M.]
200 -16-2-96.

Fencing of the East Coast Railway at Rajahmundry ✓

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., No. dated 189 ,

Again G.O., No. dated 189 ,

Current No. 1120 L. of 1898, dated 8th March 98, from The Collector of Godavari

& „ „ 1349 L. „ 1898, „ 14th April 98, „ The Public Works Dept.

„ „ „ 189 , „

H.M.
Mis.

ORDER.

S. 12 of the Railway Act has no bearing on the question, for the Mt. C. does not intervene in the character of the owner or occupier of any land affected by a railway, but under a provision of law.

The Sec. seems to be mistaken in his view of s. 176 of the Municl. Act. It applies in all cases. The road question comes in only where it is sought to compel the trimming of hedges so that they may not exceed a certain height. The Mt. C. should be told that they ~~[illegible]~~ are at liberty to take such action as they think fit, if the Ry manager refuses to obey orders. They have ample powers under S. 264.

As to the general question of fencing, irrespective of proximity to road, see the celebrated Bellary case. H.S. 18/5/98

To. The Collector of Godavari

„ Public Works Dept.

The remarks of the Public Works Department will be communicated to the Collector of Godavari.

P.R. 7/5/98

~~H.F.~~

~~H.A.~~

Mr. Spring's office note is not written in a form which can be communicated to the Coll^r.

The Coll^r. may be informed that in the opinion of Govt. the Munic^l. Council has no power to compel the Ry. to fence under S. 176 of the Act. That S. only applies to land adjoining a road; this however need not be added.

H. 16.5.98

I wonder what the people in an English borough wd. say to Mr. Spring's theories as to fencing!

Please put up the Bellary case referred to by the H.M.

S.R. 8/6/98

Please see G.O. No 1590 M dated 1st November 1894 in the file. Flag A.

V.R.
13/6/98

Draft on passed

15-6-98

Ref. on Cur. No. 1291 ~~1921~~-Eng. of 97.

Godavari District, Collector's Office,
Dated, Cocanada 8 March 1898.

DESPATCHED
21 MAR. 1898

From

V. A. Brodie Esquire,
Collector,
Godavari.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1120 M.

To

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

Sir,

In his letter No.557 dated 6-6-96 the Chairman, Municipal Council Rajahmundry called on the Manager, East Coast Railway under Sec. 176 of the Municipal Act to fence the western side of the Railway line between the Rajahmundry and Godavari North station limits to prevent accidents to men and cattle using the waste land between the railway and the river.. The Manager in his letter 3594 dated 12-6-96 refused to comply with the Council's notice as in his opinion the work was not required in the interests of ~~the~~ public safety and the previous sanction of the Governor-General in Council was required under Sec. 12 of the Railway Act for the construction of ---- accommodation works of the nature proposed. The Chairman pointed out to him in his letter 933 M, dated 11-10-96 that the requisition to fence could not be taken as a demand for an accommodation work, i.e. a work necessary for the enjoyment of adjoining lands as the fencing was required in the interests of the safety of the public, that as one side of the Railway line was fenced admittedly for the public safety there was no reason why the other side also should not be fenced, that no reference to the Governor-General was therefore necessary, that under Sec 176 of the Municipal Act he (the Chairman) had power to require the fencing of the Railway line and under Sec.264 to enforce it and requested him to reconsider the matter and see that the Council's resolution was carriel out. Unable to get the Manager to conform to the Council's resolution and unwilling to take extreme -- steps against the Railway Authorities, the Chairman has requested me in his letter 241 dated 14-9-97 to interfere and call on the Railway Authorities to give effect to the Council's resolution.

2. The Sub Collector thinks and I agree with him, that it would be safe for the line to have fencing on both sides, but even as it is, it can hardly be said to be dangerous and because the line is fenced on the East is no reason for its being fenced on the West because the town lies to the East whereas there is only the river and its bed to the West. The land adjoining the railway embankment on the side of the river also belongs to Government in the Revenue Department as river poramboke and it seems to me the Council has no power to require the fencing off of Government land from Govt. land. Sec. 176 of the District Municipalities Act seems ~~over~~ only to apply to land adjoiningroads or paths too: whereas in the present case no road or path runs along-side the embankment which the Council want fenced, though several, leading to the river, cross it. The people using these paths will gain no security from the fencing of the line on the West.

3. The local Government Pleader is however of opinion that the notice given by the Municipal Council under Sec.176 is legally enforceable.

I have therefore the honour to request that you will be so good as to obtain the early orders of Government in the matter. Enclosures as per list accompany and I would respectfully beg to suggest a reference to the Law officers of Government in the matter. The waste land to the West of

the railway ~~line~~ embankment is submerged during floods, but generally it is the common grazing ground of the people of the town several of whos cattle have been run over and killed. It is also frequented in large numbers by dhobies and boat builders &c carrying on their business on the bank of the river and many cross it every day on their way to the river to draw water or bathe.

I have the honour to be,

Sir,

Your most obedient servant,

(sd) V. A. Brodie.

Collector.

19-3-98

P.R.A. for Collector.

18 3/98

WR

Local & Munl. (1898) Department.

CURRENT No. 1349 M.

From The Public Works Dept, Railway Branch

No. 5 R.M / O

Order

Dated 4th April 1898

Received 15/4/98

Registered

Enclosures ~~1 file of papers with plan~~

Spare copies Crn. 1120 M & 8 encls: retd.

SUBJECT.

Fencing the western side of the E.C.Ry

Returning the file of papers regarding the — as far as the Godavari North station limits and giving opinion whether the Railway may be required, in the interests of the public, to put up a fence.

NE 18/4/98 28/4 A 7/5/98.

8

BACK PAPERS.

G.O.	No.	Department	Date.
Emt	426/98		
Co	2017	Mil	2-12-95

FURTHER PAPERS.

G.O.	No.	Department.	Date.

P. W.

~~Local & Munl.~~ (1898) Department.

Railway

CURRENT No. ~~420 M~~ 500.

ER. If you wish, I can inspect this when I inspect the [illegible] [illegible] towards the end of the month.
CMM 7/4

JOINT SECRETARY TO GOVT. OF MADRAS RYS.
RECEIVED
7 APR. 1898

No. 426 dy 6-4-98
~~Order~~

Forwarded to the Public Works Department, Railway Branch, for favour of opinion whether the Railway Company may not be required in the interests of the public to put up a fence.

(By order)

E. J. Roberts
of Asstt. Secretary.

Fort St George
6th April 1898

20

The Public Works Deptt.
Ry. Branch.

From The Collector of Godavari.

Ref. on C. No. 1291/Emt.

Dated 8th March 98.
Received 24 "
Registered —
Enclosures 8 Recd 7.4.98
Spare copies.

SUBJECT.

Requesting to be informed whether the Munl. Council, Rajahmundry, has power to require the East Coast Railway authorities to fence the western side of the Ry. line as far as the Godavari north station limits.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Local & Munl. (1898) Department

CURRENT No. 1120 M.

UNDER SECY TO GOVT
24 MAR 98

Query. The land which a M. C. Can require to be fenced under S. 176 must adjoin a roadway?
Doubtful.

Secr
~~nuse~~
Order.

The Government does not consider it necessary to consult its Law Officers, as suggested by the Collector.

2. In the opinion of Government however, the requisition of the municipal council under section 176 of the municipal Act, should be complied with by the Railway Authorities.

P.R. No. 4263 6-4-98
1/4/98

Forwarded to P.W. Ry. for favour of opinion whether ~~a fence~~ the Ry. Co. may not be required in the interest of the public to put up a fence.

To
The Public Works Department (Railway) for counter initials.

H. Tremenheere 2-4-98

[illegible] 6/4/98

From

The Collector,

Godavari.

Refer No. 1231 / dated 07-97

Dated 8th March 98.

Received

Registered

Enclosures ~~Eleven~~ 8.

Spare copies

SUBJECT.

Requesting to be informed whether the Municipal Council, Rajahmundry has power to require the East Coast Railway authorities to fence the western side of the railway line as far as the Godavari North Station limits.

To
The Collector of Godavari
" Chairman M. C. Rajahmundry
" Public Works Department.

3/5/98 4/3/5

[illegible] 1/4/98

17/4/98

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	2017	Mun	2-12-95

FURTHER PAPERS.

G.O.	No.	Department.	Date.

List of enclosures.

1. Copy of letter No.3594 dated 12-6-96 from the Manager East Coast Railway to Chairman, Municipal Council, Rajahmundry.
2. Copy of letter No.933 dated 11-10-96 from Chairman to Manager, E.C.Railway.
3. Letter 241 dated 14-9-97 from Chairman to Collector.
4. Ref. on C. No.1291-Eng. of 97 dated 28-9-97 to Sub Collector.
5. Ref 1291-Eng. of 97 dated 25-11-97 to Sub Collector.
6. Ref. 687-Rev. of 97 dated 6-11-97 from Sub Collector.
7. Copy of letter Ref 452 of 97 dated 27-11-97 from Chairman to Sub Collector.
8. Letter Dis.No.4237-Rev of 97 dated 13-12-97 from Sub Collector.
9. Copy of Municipal Council's resolution.
10. Plan.

(9.3.98)

For Collector.

P.R.A.

18.3.98

No. 3594

From

The Manager,
East Coast Railway,

To

The Chairman,
Municipal Council,
Rajahmundry.

Dated Waltair the 12th June 1896.

Sir,

In reply to your No. 567/M dated 6th June 1896, calling on this Railway Administration ~~under~~ Section 176 of the Municipal Act to fence in a certain part of the line, I have the honor to inform you that as there is a difference of opinion as to the necessity for this work I shall, under Act IX of 1890 require the authority of His Excellency the Governor General in Council before complying with the order of the Municipal Council.

E.1
P.W. Rye No 500/98.

1
1120 of 98.

2. It is stated that the work is necessary for the safety of the public. This I am not prepared to admit and can only regard it as a demand for

additional accommodation works, which, it is provided shall be paid for wholly or in part, as His Excellency the Governor General in Council thinks just, by the Local authority making the requisition.

3. I can therefore only undertake to have the fencing erected at the cost of the Municipality.

I have the honor to be
Sir
Your most obedient Servant
(Signed)
Manager,
East Coast Railway.

(True Copy)

(Cmp'd) Chairman.

15/9/97

Re No 988/M dated 21-10-96

Municipal Office
Rajahmundry.
dated 11-10-96.

From
M.R.Ry B. Ramalingeswarappa Garu,
Chairman Delegate,
Municipal Council,
Rajahmundry.

To
The Manager,
East Coast Railway,
Waltair.

Sir,

With reference to your letter dated 12th June 1896 No 3594 in re: the fencing of the Railway bund in Innespeta, I have the honor to state that the requisition to fence the bund cannot be considered as any accommodation work. Sections 11 & 12 of the Act IX of 1890 refer to accommodation works like crossings, bridges &c as are necessary for the enjoyment of the adjoining lands by the

92 / P.W. Ry C No 500/98

2 / 1120 of 98

owners, whereas fencing is required, not for the enjoyment of the adjoining lands but for the purpose of preventing danger to the Public. The reasons that hold good for fencing the Railway bund on one side equally apply to fencing the other side also. When the one side of the bund has been fenced by your department, the necessity therefor having been admitted, I fail to see why the fencing on the other side also should not be considered equally necessary. Under Section 13 of the Railway act the Governor-General in Council may require a certain railway or a portion thereof to be fenced, but the act does not provide that the Railway Department need not fence any portion unless so required by the Governor General in Council. Section 176 of the Municipal act which is certainly not repealed or modified in any way by the Railway Act authorizes the Municipal Council to issue a notice to the owner of any land to have it fenced within a certain time and the Act further authorizes it to enforce its resolutions.

2. In these circumstances no reference to his Excellency the Governor General in Council seems necessary and I hope you will, on reconsideration, see that the Municipal Council's resolution be is carried out.

3. In this connection I beg to draw your attention to the fact that the gates at the crossing on the bund open outside and not inside as at the crossing on the Dowleswaram road where the gates open inside and are large enough to close the Railway line on both sides of the crossing. If the line within the Municipal limits be fenced on both sides and the gates be so made as to open inside and to close both sides of the crossing there will be no room for accidents to the Public

or for any loss of life

4 Trusting this will ~~meet~~ meet your approval

I have the honor to be

Sir,

Your most obedient Servant

(Signed) B. Ramalingeswarappa

Chairman delegate

(True Copy)

Chairman

Nos
15-9-97

Municipal Office Rajahmundry

No 3 Current No. 1291 of 1897
ENG 241
Curr No

Municipal Office
Rajahmundry.
~~dated 14-9-97.~~
desp 16-9-97.

from
M.R.Ry
N. Jagadiswaraprasadarayanim Garu Bt,
Chairman,
Municipal Council,
Rajahmundry.

To
The Collector,
~~Godavari~~

SEP 97
GODAVARI.

Sher
Vey
Co/w
19-9-97

Sir,

I have the honor to state that the Railway line on the bund in Innispeta is fenced only on the town side of it, but not on the river side of it. As several cattle pass the line for grazing in the lankas, they are in danger of being run over by trains as some have been. Several people also pass the line on some business or other to the river side and the Council considered it necessary that the line should be fenced on the other side of it also and gave notice to the Manager East Coast Railway

23
P.to Ry C No 500/98

3
1120 of 98

or for any loss of life

under Section 176 of the Municipal Act to fence the Railway ground. In reply to the Notice the Manager said it was not necessary and he would not comply with the Notice until His Excellency the Governor General in Council ordered it. (Copy enclosed). On which I pointed out that the Sections of the Railway Act would not apply and that the Municipal Act should be obeyed (vide copy enclosed). The Manager having again refused to act up to the Notice, the Council on 31-7-97 resolved to serve him with another Notice and to address you on the subject requesting you to see that the Council's resolution is obeyed by the Railway authorities. Again on 11-8-97 the Manager refused to comply with it and I therefore request that you will be pleased to see that the Council's Notice is obeyed. The Sections of the Railway Act as pointed out in my letter copy of which is enclosed do not at all apply to the present case and no reference to the Government is therefore necessary. On the other hand the Municipal Act clearly applies, as thereunder, the council has power to call upon any person to fence the ground in his possession and to take steps under Section 264 to enforce it. These Sections remain unrepealed by any provisions of the Railway Act and should therefore be obeyed. It is a matter for regret that the Railway Manager thought it fit to disregard the Council's Notice. I may point out here that when the Council is of opinion that fencing is necessary for the safety of the public, it is not for the Manager of the Railway Department to question it, as it is not an appellate authority. The Council to save all unpleasantness, does not wish to push the matter further and therefore requests your interference in order that these provisions of the Act might be worked in harmony.

I have the honor to be
Sir,
Your most obedient Servant,

Chairman.

Lwe 15/9/97. (Compd) and 15-9-97

Council now wants [illegible]

DESPATCHED
1-OCT 1897

Urgent

Ref No. 1291/Eng of 97 Dt 28-9-97.

For orders

R1 — 3-10-97.
R2 — 19-10-97
R3 — 30-10-97
R4 — 8-11-97.

~~F~~ Forwarded to the Sub Collector for very early report after personal inspection in company with the Municipal Chairman and the Manager of the E.C.Ry or some other responsible officer on behalf of the Railway. A plan of the locality should be submitted.

Colr.

Cld ch 28-9-97

9R 29/9/97

M 29.9.97

No reference to the Government

Ack on cur No 442/DM

Municipal Office Rajahmundry
dated 27th November /97

20,000—4-96.

No. 687 Sub

GODAVARI DISTRICT Sub COLLECTOR'S OFFICE,
Camp. Alamuru 6-11-1897.
8

FROM
W. W. Phillips Esquire,
Ag Sub COLLECTOR,
Godavari District,

Urgent

DESPATCHED
17 NOV. 1897

1st Ref No. 1291/Eng of 97 Dt 15-11-97.

R1 — 26-11-97.

TO
THE
Collector
Godavari District.

Sub Collr 15/11/97

Re: the reference by your letter No Ref 687/... of 97 Dt 6-11-97 I have the honour to point out that a notice under S 176 of the Act can only issue in pursuance of a resolution of the Council & the papers with me contain no copy of any such resolution. Please send & forward the resolution as soon as possible.

2. Sec. 176 of the Act requires an owner or occupier of land to sufficiently fence the same. Kindly let me know who is the owner of the land adjoining the railway embankment on the river side line. If it is [illegible] it seems doubtful if the Council can demand the fencing of the embankment. If they can't require [illegible] to fence off a portion of its land from the rest [illegible] whether appears to me to apply to cases of land adjoining roads [illegible] the road adjoins the side of the embankment [illegible] the Council now wants fenced [illegible]

SIR,

In reply to your Ref No 1291/Eng Dt 28-9-97 on a letter from Rajahmundry Municipal Chairman I have the honour to submit the following report.

I inspected that part of the line, which the municipality require to be fenced, on 27-10-97 in company with the Municipal Chairman and the Executive Engineer No I Division. This bit of the line runs from the Godavari Station limits as far as the Tollgate on the Dowlaishwaram road.

It is fenced along its whole length on the side towards the town, but only for about 50 yards from the tollgate on the other side. This small length of fencing appears to have been put up to stop people from using the river bund as a thoroughfare, as there would be great difficulty in making a level crossing at the junction of the railway and the bund, as the line at that point runs on rather a sharp curve. From the bund to the station the line runs along a high embankment. This embankment seems to me to be so high as to prevent any frequent trespass by cattle from that side of the line, which consists of lanka land where cattle graze & people go to bathe in the river. However I believe two or three cases of cattle being run into by train have occurred in the past. & it is to prevent this & also any danger to human life that the Municipality has asked the Railways ~~a~~ authorities to fence the line. Further it is quite possible that children might stray on to the line from that side which is a good deal frequented in the mornings and evenings.

3 The Executive Engineer, Mr Eaglesome, gave it as his opinion that a fence on both

Rel on cur No 442/04 Municipal Office Rajahmy dated 27th November /97

both sides of the line would render the line more dangerous, as if cattle did stray through the level crossing gates, it would be very difficult to drive them out again, as the only means of egress would be by a level crossing. This argument I do not consider sound, as if the line were fenced on both sides, the gatemen at the level crossings ought to be able to prevent any trespass at all. Consequently I consider that fencing on both sides would certainly render the line safer, though I do not consider it to be very dangerous even as it is.

4 Section 176 of the Municipal act authorizes the Council to require any owner of property to fence it, & this being so, I do not see how the Railway authorities can legally refuse to do so, when the Municipal Council has decided that such a ~~case~~ course is desirable.

5 As I have stated above

I do not consider that the fencing of the line is absolutely necessary but in the interest of public safety it is desirable. As the length of line to be fenced is but small, I think the Railway might well accede to the wishes of the municipality without reference to the Governor-General in Council, if such a reference is necessary under Sec 12 of Act IX of 1890, a point on which I am very doubtful.

I have the honour to be
Sir,
Your most obedient Servant.
W. W. Phillips
Ag Sub Collector

IK 4/11

Ref on cur No 482/27

Municipal Office Rajahmundry
dated 27th November /27

Current No. 1291 ENG. M.S. of 1897

From

The Sub Collector

Godavari

12 NOV. 97

Forwarded to Manager

E.C. Railway.

To

The Collector

Godavari

Date 6-11-97

Desp 8-11-97

Ref on cur 687 (G) of 97

COLLECTOR
9 NOV. 97
GODAVARI.

Subject

Submitting a report regarding the fencing of Railway line in Innespeta

p.o. Ry. c. no 500/98

1120 Rev of 98

Ref on cur No 442/97

Municipal Office Rajahmundry
dated 27th November /97

From

M.R.Ry.
N. Jaladurgaprasadrow garu, Chairman Municipal Council
Rajahmundry

Extract from the proceedings of the Municipal Council, Rajahmundry, dated 31-7-97

× × ×

Read Memo of the Chairman requesting the Council to give notice to the Railway authorities to fence the river side and to further resolve to address the Collector to see that the resolution of the Council be obeyed by the Railway Department.

Resolution No 501 dated 31-7-97

Notice will be again issued to the Railway Engineer to fence the land and the Collector will be addressed on the subject with a request that the Councils resolution is obeyed by Railway authorities

× × ×

(Signed) N. Jaladurgaprasarayudu
Chairman

True Extract

Chairman

Ry c no 500/98

DESPATCHED

Ref on cur No $\frac{452}{97}$

Municipal Office Rajahmundry
dated 27th November /97

From

M. R. Ry
N. Jaladurgaprasad row garu
Chairman Municipal Council
Rajahmundry

To

The State Collector, Godavari Dist

Sir,

In reference to the letter of the Collector dated 15-11-97 Communicated by your No $\frac{452}{Gen}$ dated 23-11-97 to me for remarks, I have the honor to enclose a copy of the Councils' resolution No $\frac{901}{21-7-97}$ on the subject

2. The adjoining vacant land to the west of the Railway ground which has been marked from it, belongs to the Revenue Department. Though this land, and the ground now to be fenced belong both to Government, the East Coast Railway being a State Railway, still there is a well defined demarcation between the two and the two portions are under two different Departments and the Council has power under sec 176, to give notice that one be fenced from the other. For all practical purposes there are two distinct portions and the section does not prohibit giving notice to

Ca ses, the uncil havin

DESPATCHED

power to require any land to be fenced. Nor does it appear that it is necessary that the land should adjoin a street or a road way to enable the Council to give notice under the section. In the present case however there is a road way, the adjoining Revenue site being vacant and therefore used by people and cattle for passing along, besides the streets which cross the railway embankment

3. The adjoining roadway need not be vested in the Municipal Council, as streets are and if there is a way used for passing along, it is sufficient.

I have the honor to be
Sir
Your most obedient servant
(Sd) N. Jaladurgaprasadrow
chairman

(True copy)
W W Phillips
Ag Dist Collector

Apd
9/12

25
P.H. Ry C no 500/98

5
1120 W of 98

Godavari Dist Collector's off
dated 11-12-97

From
W. W. Phillips Esquire
Ag Dist Collector

To,
The Collector
Coconada

Sir,

In reference to your ref no $\frac{1291}{Eng}$ of 97 of 15-11-97, I have the honor to submit a copy of the resolution of the Rajahmundry Municipality regarding the issue of a notice under sec 176 of the Municipal Act and to enclose a copy of the Municipal chairman's letter Ref on our no $\frac{452}{1897}$ of 27-11-97 for perusal

2. The land adjoining the river embankment on the river side is Government land. A plan received from the Railway authorities is also enclosed

I have the honor to be
Sir
Your most obedient servant
W W Phillips
Ag Dist Collr

On
only copy of the letter received. Copy of the resolution not received
16-12-97

26
P.H. Ry C no 500/98

6
1120 W of 98

Apd

From

The Sub Collector
Rajahmundry

M.S.L.
Ref Current No. 1291/ENG. of 1897

To

The Collector
Coconada

Date 11-12-97

16 DEC. 1897

Desp 13-12-97
14

Dis 4237/Dem of 97 16/12/97

Enclosures 2 (two)

Subject

Reporting that the land adjoining the river embankment on the river side is Government land

R, —— 10-1-98

DESPATCHED
21 DEC. 1897

Ref in cur No 1291/Eng of 97 d/21-12-97

Copy of the Rajahmundry municipal Council's resolution on the subject, said to have been enclosed, has not been received. It should be submitted now.

OP
RSH
For Collector

Enfd
18/12/97

26 DEC. 97

copied

189

L. & M.
28
10,000-97-01.

, DATED

CLOSURES TO C. No.

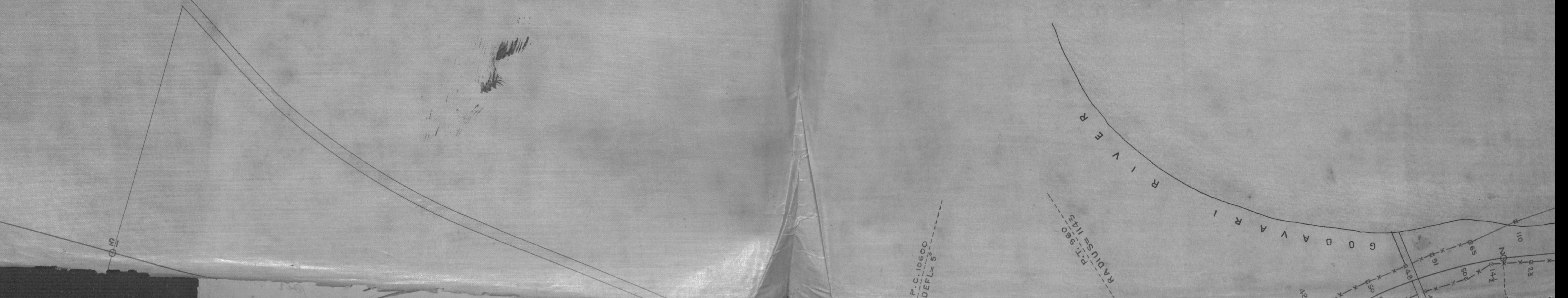
.. .. .. A A A A A A A

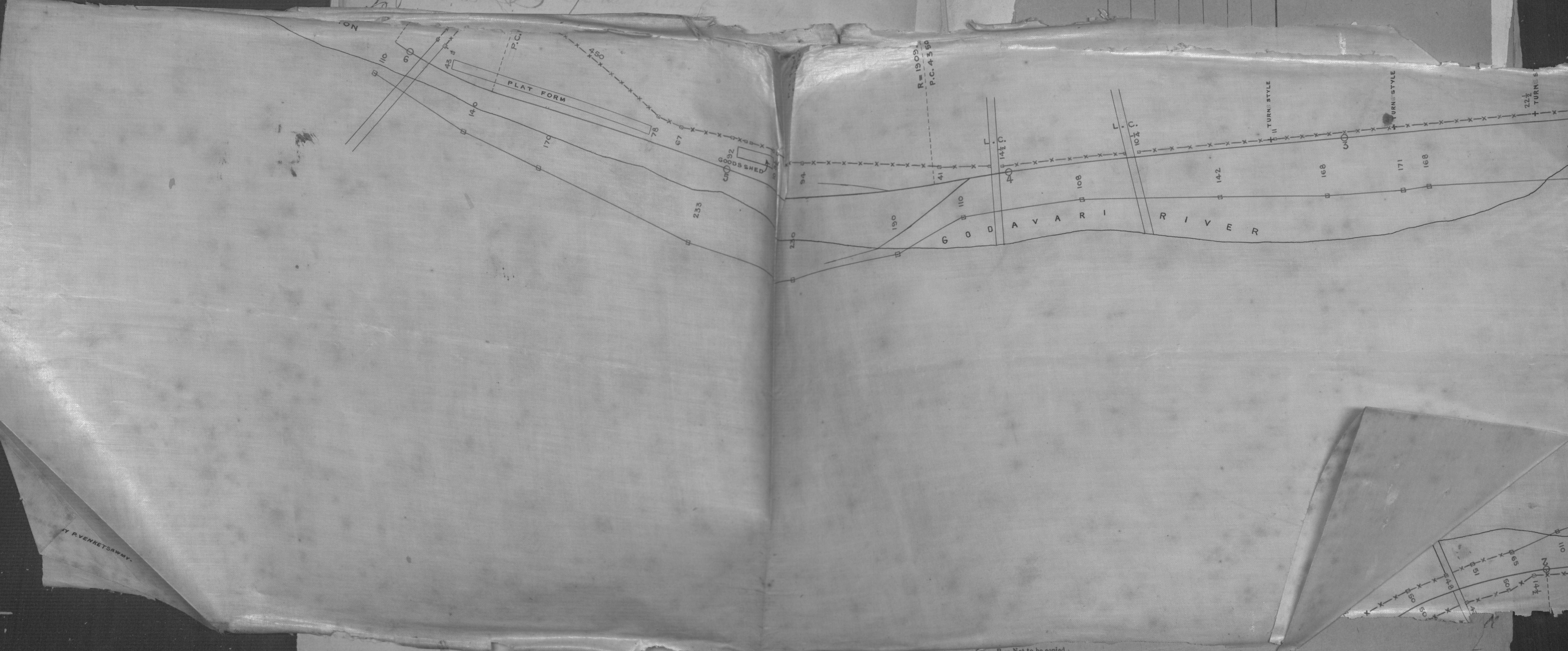
TH DITTO.

S 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.

EXECUTIVE ENGINEER,
NO. 1 OPEN LINE DIVISION
7-12-97 E. C. BY.



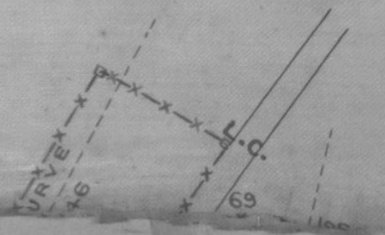


B = Not to be copied.

E.C.R.

PLAN SHOWING PORTION OF
LINE FENCED
BETWEEN R.J.Y. AND G.V.N.

SCALE 200′ = 1 INCH



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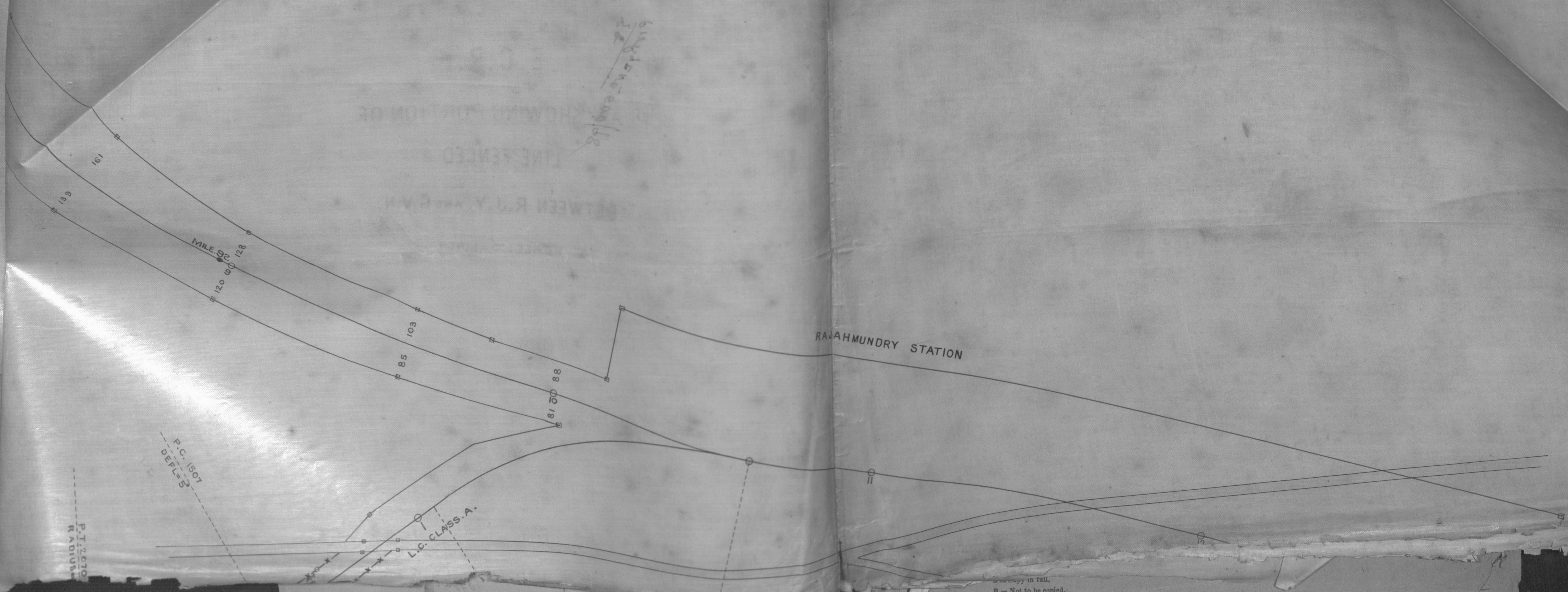

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