[L. & M.
2,000—12-9-98.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1894 M.

DATED 8-11-98.

INDEXED. DESPATCHED.

[Despatch Abstract.]

Licenses

Disapproving with remarks the proposal of the Kurnool Munl. Council to grant ____ for growing melons in the bed of the river & charging certain fees for the licenses.

BACK PAPERS.

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

FURTHER PAPERS.

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

Levy of license fees for growing melons in the river-bed — Kurnool.

8 [L. & M.]
500 -16-3-98.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., No. dated 189 ,
Again G.O., No. 759 M dated 15th April 1898,
Current No. 1713 M of 1898, dated 17th May 1898, from the Chairman, M.C. Kurnool
" " 3048 M, 1898, " 26th Septr 1898. " " Collector of Kurnool.
" " , 189 , "

Mis ORDER. No. 1894 Mun's d 8/11/98

The proposal of the Municipal Council to grant licenses under Section 229 of the Act for growing melons in the bed of the river, charg certain fees for the licenses, cannot be approved, as the use of the river-bed for this purpose appears to hav been permitted by the Revenue Department.

2. It is however open to the Council to prohibit under Section 228 A (1) of the Act the use of manure or of particular kinds of manure for such cultivation.

(From Orders.)

V.R.
31/10/98

7/11/98

To
The Chairman, M.C. Kurnool
(thro' the Collector of Kurnool)
Despd 11/4/98

permission of the Revenue Depar

[G./25]
250—18-2-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 1713 M and 3048 M

SUBJECT.

Levy of license fees for growing melons in the river-bed—Kurnool.

FOR ORDERS.

in G.O. No 759 M of 15.4.98 F

G

C. No. 1713 M

In its resolution dated 19th March 1898, the Municipal Council of Kurnool proposed to levy fees for growing melons in the river bed at the rate of 2 annas for every 1000 square feet or fraction thereof occupied, and requested the sanction of Government for their imposition. The Government however called upon the Municipal Council to report the authority under which it proposed to levy these fees. Vide G. O No 759 M dated 15th April 1898.

2. In the first letter read above, the Chairman while reporting that A. the Council proposed to levy the fees under section 229 of the Madras (District M

melons in the riverbed occupied different portions of it for about three or four months in the year and deposited manure thereon and that in order to prevent persons from depositing objectionable manure such as night soil &c in the bed of the river and to enable the Council to exercise control over those who occupied the land, it was proposed to issue licenses and to levy fees therefor at the rate specified. It was however then thought* that under section 229 the proper Course was to charge the fees not for "growing melons", but for depositing the manure &c, to which the Municipal Council's objection really applied, and that "growing melons" might possibly come under the section as "an encroachment or obstruction in or upon the river," but as it was a doubtful point, it was proposed to consult the Advocate General in the matter. The Hon'ble Member however thought that the

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* C.No 3048 M.

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Revenue Depart

of the river bed for growing melons was permitted and charged for by the Revenue Department.

3. The second letter* read above is the Collector's reply to the reference* made to him on the subject. The Collector states that the use of the river bed for growing melons is permitted by the Revenue Department on the condition of night soil not being used, but that no charge is levied on such cultivation, that from a takid dated 4th August 1866 to the Tahsildar of the Ramallakota Taluk issued by the then Collector, Mr. H. E. Sullivan, it appears that the latter decided that as the cultivation had been carried on for a very long time free of charge and as the crops raised in the river beds were liable to be washed away when the rivers received freshes, no assessment need be levied and that on the authority of the said order, melon cultivation in the riverbed has not been charged for until the present day. The Collector further points [illegible]

view and in its Proceedings No 163 dated 6th May, 1893 ordered that melon cultivation in the riverbeds in the Cuddapah and Bellary Districts need not be charged for although it observed at the same time, that such cultivation was permitted only as a matter of grace and should not be understood as conferring any rights on the persons who undertook the cultivation. He adds that the Sanitary Commissioner in his Inspection notes printed in G. O No 480 M dated 10th April 1894, recommended that the practice of growing melons in the bed of the Tungabhadra river should be checked on the ground of its affecting the sanitation of the town, but that the Municipal Council then considered that it would be inexpedient to stop the melon growth altogether and that only the prohibition of the use of night soil for cultivation would suffice.

4. It will thus be seen that the

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permission of the Revenue Department, which however is subject to the condition that night soil is not used as manure and that no fee is charged by that Department, but no penalty has apparently been prescribed by the Revenue Department for a breach of this condition. The levy of the fee proposed by the Municipal Council seems therefore to be desirable, as it may be made a condition of the grant of the license that night-soil should not be used as manure, and in case the condition is not fulfilled, the Chairman may prosecute the offender under section 229. Before however sanctioning the proposal, it is submitted that the Advocate General may be consulted and the draft reference already approved by the Secretary may be issued.

N

VR
25/10/98

H. M.

Melon growing in the sand of the river shd not be discouraged the only objectionable thing is the use of manure. This can be prohibited under S. 228. A. as H. M. before proposed

H T 25 10 98

27/10/98

Local & Munl. (1898) Department.

Ooty Office

Put up the Act as amended S.P. 6/6/8

Put up 6/6/98

again G.O. 759 Rdg 15th April 98 and C.R.O. 1713 M/98

CURRENT No. 1713 M

TO GOVT
19 MAY 98
DEPTS

From

The Chairman
Municipal Council
Kurnool

No. 16/2

Dated 17th May 1898

Received

Registered

Enclosures

Spare copies

Misc

Order

The levy of the proposed fee is sanctioned.

VR
1/6/98

This is sent up without any note or discussion of the important point involved. I sh'd think that under Sec. 229 the proper course was to charge not for "growing melons" but for depositing the manure &c to which the R.D.O.'s objection really applies. Possibly "growing melons" may come under the

Note Under Sec. 267 of Act IV of 1884, as amended by Act III of 1897, the levy of the fees in question requires the sanction of Govt.

The Chairman, M.C. Kurnool
Thro' The Collr

21/6/98

SUBJECT.

~~Reporting~~ Stating that the Council proposes to levy the fees, for growing melons in the river bed, under section 229 of the Madras Municipalities Act as amended by Act III of 1897.

section as an "encroachment or obstruction in or upon the river"; but this is doubtful & is at any rate not in itself the objectionable portion of the action.

Please draft consulting the Adv. General

8/6/98

I should say that the best thing to do, at least to begin with, wd. be to call on the Collr. for report. The answer may very well be that the use of the river bed for growing melons is permitted (& charged for) by the Rev. Dept., in which case all that the M.C. can do is to prohibit the use of manure, or of particular kinds of manure, under s. 228 A(1)

18/7/98

BACK PAPERS.

G.O.	No.	Department.	Date.
Mis	759	L	15-4-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No

Municipal Councillors Office
Kurnool, May 1898.

Enc.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1713 M

From

The Chairman,
Municipal Council
Kurnool.

To,

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

Sir,

As directed in para 2 of Government Order No 759 M. Mis. dated 15th April 1898, I have the honour to report that the Council proposes to levy the fees under section 229 of the Madras District Municipalities Act as amended by Act III of 1897.

2. I have the honour to submit that the individuals who grow melons in the river-bed occupy different portions of the river bed for about three or four months in the year and that they [illegible] there [illegible] not in itself the objectionable

To prevent those individuals from depositing objectionable manure such as night-soil &c in the river bed and to enable the Council to exercise control over those individuals who occupy different portions of the river-bed the Council proposes to issue licenses and to levy fees therefor at the rates proposed.

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

Chairman

Levy of license fees for growing melons in the riverbed Kurnool municipality.

[L. & M. / 300—2-12-97.]

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings: –

Again G.O., No. , dated 189 .
Again G.O., No. , dated 189 .
Current No. 1713-M of 1898, dated 17th May 98, from the Chairman M. C. Kurnool.
" " " 189 , " , "
" " " 189 , " , "

Misc

ORDER.

The municipal council of Kurnool proposes to grant licenses under section 229 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, for growing melons in the bed of the river situate within the municipal limits, charging certain fees for the purpose. The Government however considers that the proper course would be to charge the fee not for 'growing melons', but for depositing the manure &c, to which the municipal council's objection really lies. On the other hand, it is possible that growing melons may come under this section as an "encroachment or obstruction in or upon the river;" but this is doubtful and is at any rate not in itself the objectionable portion of the action. The Advocate General is accordingly requested to give his opinion in the matter.

V.R.
15/6/98

H
17 6 98

To
The Government Solicitor.

Levy of license fees for growing melons in the river bed – Kurnool Municipality

[L. & M. / 300—2-12-97.]

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again GO., No. , dated 189 .

Again G.O., No. 759 M, dated 15th April 1898.

Current No. 1713-M of 1898, dated 17th May 1898, from the Chairman M.C. Kurnool

" " " 189 , " , "

" " " 189 , " , "

~~ORDER.~~ Reference 761 / 5/7/98

The Collector is requested to report whether the use of the river-bed for the purpose of growing melons is permitted and charged for by the Revenue Department

(From Orders)

V.R.
23/6/98

28/6/98.

Copy t'desp. 761
1/7/98

L & R

To
The Collector of Kurnool ✓

Despd. 5/7/98

Local & Munl. (1898) Department.

CURRENT No. 3048 M

From Mahomed Razakhan Esq
Collector of Kurnool

Order

Dis No. 3692/Genl of 98

Dated 26th September 98
Received 30 SEP 1898
Registered
Enclosures
Spare copies

SUBJECT.

Reporting on the use of Tungabadra River bed for the purpose of growing melons.

BG

8/10

13/10

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Dis No. 3692 / Genl 9/98

KURNOOL COLLECTOR'S OFFICE,
KURNOOL,

ENCLOSURES.

Dated 26th September 1898.

FROM

Mahomad Razakhan Esqr.
COLLECTOR OF KURNOOL,

LOCAL & MUNICIPAL DEPT.
CURRENT No. 3048 M

TO

THE SECRETARY TO Government,
Local and Municipal Department,
Madras.

SIR,

Adverting to your Memo dated 5th July 1898, No. 761, I have the honour to state that the use of the river bed for the purpose of growing melons is permitted on the condition of night soil not being used as manure, and that no charge is levied on such cultivation.

The earliest paper available on the subject is a Taluqa Takid issued on the 4th August 1866 to the Tahsildar of Ramallakota taluk by the then Acting Collector Mr. H. E. Sullivan. It appears from it that a question having come before the Collector as to whether the growing of vegetables in the beds of the Handri and Tungabhadra rivers at the confluence of which the

Kurnool

Kurnool town is situated, should be charged for or not, he decided that as the said cultivation had been carried on for a very long time free of charge and as the crops raised in the river beds were liable to be washed away when the rivers received freshes, no assessment need be levied.

It is now reported by the Divisional Officer that melon cultivation in the river bed has not been charged for until the present day on the authority of the above said order of Mr. Sullivan.

The Board took a similar view and ordered that melon cultivation in river beds in Cuddapah and Bellary Districts need not be charged for (please vide Board's Proceedings No. 163 dated 5th May 1893 (Revenue settlement).

In 1893 the Sanitary Commissioner (vide para) of his inspection notes embodied in Government Order No. 480 M Dated 10.4.94) recommended that the growing of melons in the Tungabhadra river might be checked on the ground of its affecting the sanitation of the Kurnool town and the villages on the river lower down, but the Municipal Council considered it inexpedient to stop the melon growth altogether and that only the prohibition of the use of night soil for the cultivation would suffice. Mr. Mullaly the then Collector was also of the same opinion and issued orders accordingly.

I have the honour to be,
Sir,
Your most obedient servant,
f Collector

27/9
O.P.D.

189 .

CORRESPONDENCE DEPARTMENT.

FROM

THE COLLECTOR OF

KURNOOL,

TO

THE SECRETARY TO

Dated
Received } 189 .

No.

ENCLOSURES.

SUBJECT.

When given for copying
When copied
When examined
When signed 10/11 } 189 .

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

RENT No.

ORDERS C. No.

OF GOVERNMENT .. .. .. A A A A A A A

GOVERNMENT.

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RIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.