

Local & Munl. (189) Department.

MISCELLANEOUS.

G.O., No. *2099m*

DATED *9. 12. 28*

INDEXED. DESPATCHED

[Despatch Abstract.]

Encroachment — Concurring in the remarks
of the collector in a case of — in the Palani
Municipality acquitted by the District Magistrate
& communicating the same to the munici-
pal 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. 3648 No.

From The Chairman,
Municipal Council, Palni

Misc

Order

No. 2099 Misc 12/12/98

The Collector's remarks, in which
the Government concurs, will be communi-
-cated to the Chairman.

No. 19

V.B.
1/12/98

W. G. 12/12/98

Dated 16-11-98

Received 28-11-98

Registered

Enclosures 43

Spare copies.

SUBJECT.

Requesting to direct the
Public Prosecutor to move
the High Court to order a
trial in a case of
encroachment acquitted
by the Sub-magistrate

To

The Chairman, No Palni

thru the Collector of Madurai with the enclosed

12/12/98

27/12

12/12/98

BACK PAPERS.

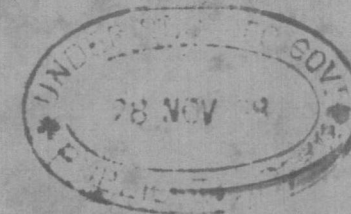
G.O.	No.	Department.	Date.
10	2855	dm	24-12-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Local & Munl. (1898) Department.

CURRENT No.



From

The Chairman, Municipal Council Palni

No. 19

Dated 16. November 1898.

Received

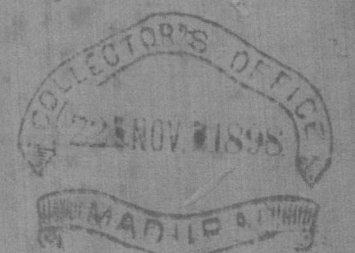
Registered

Enclosures Two

Spare copies

SUBJECT.

Requesting to direct the Public Prosecutor to move the High Court to order a retrial in a Case of encroachment acquitted by the Sub. Magistrate



Current No. 2944 of 1898
Date 18-11-98

2d ism. 2944 of 98
18-11-98

Forwarded to the Collector of

Madras. 1486
18-11-98

Order by Acting Sub Collector
18-11-98

It is observed that there is no definite acquittal under any sec. of the Criminal Code and as there can be no appeal to Govt and the High Court.

Incidentally the deplorable remarks that the ground belongs to the Accused.

In my experience I am sure that a large amount of public land has become private property in the last 10 years and this seems a case in which the Municipality wants to recover possession of roadside land

J. B. B. B. B.

19 11 98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure No 2 to letter No 19 of 16. 11. 98

Copy of Communication from the Chairman, Municipal Council, Palni, to the Deputy Superintendent, Revenue Survey North Party in Charge of Town Surveys Vellore, No 215 dated 30. August 1898

Sir,

One Venappa Paudaram of Adivaram was charged by the Municipality with having encroached upon the public street in Adivaram just at the place where the road in front of Simvarincugudi temple turns to the east. The Magistrate acquitted the accused on the ground that the place said to be encroached upon is slightly of a higher level than the street itself, and that there is a line of stones along the side of the ground, and that the accused has proved by two documents executed on 27th March 1884, and 16. October 1895 that he has a right to the place. The Magistrate also adds that from the Survey map received in regard to this property it is seen that the place is demarcated as part of the street.

I have the honor to request you will be good enough to inform me upon what principle or rule the Survey of such places is conducted and how the place was demarcated as part of

of the public street in the face of the two documents which I hope would have been brought to the notice of the Survey authorities at the time of the survey. I should like to have this information before deciding to appeal against the acquittal.

I have the honor to be

Sir

Your most obedient servant

(Signed) Dan. D. Thomas
Chairman

(Enc. 2)


Chairman Diligat

Enclosure No 3 to letter No 19 of 16.11.98

Copy of Communication from the Assistant Superintendent in Charge of Town Surveys, Tanjore, to the Chairman, Municipal Council Palni dated Tanjore 18 September 1898 No 667.

Sir, Replying to your letter No 215 dated 30 August 1898, I have the honor to inform you that the demarcation of properties situated within the Municipal limits of Palni was made, as far as possible, according to possession. The Koradus in front of buildings which were formed of mud, not bricks, were, under the Departmental rules, included in streets and roads, irrespective of the level on which they are built.

In the Case you refer to, the place alleged to have been encroached upon seems to be a mud Koradu; if so it was properly added to the street. If it was not Koradu, the man who is reported to have encroached upon the street, ought to have complained to Survey Officers against its inclusion in the street. An enquiry would have been made and an opportunity given to him to produce the documents in support of his claim.

As he has not done so, within the time fixed, he has waived his claim.

2
3648/m/98

but he can establish his right to the
land in a Civil Court.

I have the honor to be,

Sir

Your most obedient servant

(Signed) D. Srinivasa dyer

Assistant Superintendent
Madras Survey

(Enc. Copy)


Chairman and Delegate

No 19

Municipal Office, Palni

16 November 1898

From

The Chairman, Municipal Council
Palni;

To

The Secretary to Government
Local and Municipal Department
Madras

LOCAL & MUNICIPAL DEPT.

CURRENT No. 3648 M

Through the Sub. Collector and
Collector of Madras

Sir,

One Verrappa Pandaram of this
town encroached upon the public street in
adivaram by erecting a temporary thatched
bazaar there during the late Ponguni festival
held in April 1898. He and another were
prosecuted before the local sub-Magistrate
of having encroached upon the public street
and erecting a thatched shed there without
permission. The magistrate acquitted
the accused of the first charge of
encroachment and convicted them on the
second charge of erecting a thatched
shed without permission.

2. The Magistrate chiefly relies
on the two documents produced by the first
accused in support of his claim to the
land encroached upon.

3. The town was surveyed last year
and the land in dispute has been
demarked as portion of the street as

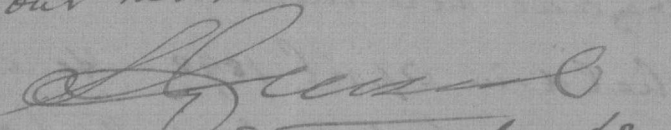
observed by the Sub-Magistrate in para 4
of his judgment (Copy enclosed)

4. It will be seen from the enclosed Copies
of Correspondence between this Office and
the Survey Office, that the place has been
rightly demarcated, and that any claim
that the first accused may have for
the place must be established by him
in a Civil Court.

5. I therefore request that the
Public Prosecutor may be directed to
move the High Court to order a retrial
of the Case on the Charge of encroachment.

I have the honor to be

Yours most obedient servant


Chairman, Delegates

Roe No. $\frac{1486}{\text{negh}}$ of 25.11.98.

Forwarded

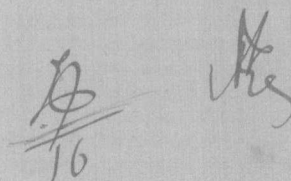
The order of the Sub-Magistrate
should, I consider, be considered
as amounting to an acquittal
on the 1st charge, though it does
not fulfil requirements of Section
367 Criminal Procedure Code.

As however the ground seems
to be really the private property
of accused, an appeal does not
seem desirable.

Madura District
Magistrate's Office
25th November 1898

B. V. Weir

Ag Collector & Distt Magistrate


16

When given for copying
When copied
When examined
When signed 10/12 } 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 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.