[L. & M.
2,000—12-3-98.]

Local & Munl. (1898) Department.

MISCELLANECUS.

G.O., No. 2111 M

DATED 9-12-98.

INDEXED. [illegible]

[Despatch Abstract.]

Municipal boundary Stating with remarks that the Government sees no reason to modify its decision in G.O No. 1265 Judl. of 10th June 1875 with respect to the northern boundary of the Palghat municipality

BACK PAPERS.

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

FURTHER PAPERS.

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

[L. & M.]
200—13-9-98.

Municipal limits of Palghat

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings :—

nt.

Again G.O., No. dated 189 ,
Again G.O., No dated 189 ,
Current No. 2907 M of 1898, dated , from the Chairman, M.C. Palghat.
" " " 189 , " , "
" " " 189 , " , "

Mis **ORDER.** No. 2111 Mis dated 9/12/98

The Government considers that,
in the absence of information as
to the meaning of the word "Railway"
occurring in the notification defining
the Municipal limits of Palghat, it
is not unreasonable to act on the
definition of the term given in the
Indian Railways Act IX of 1890,
which makes the station compound
part of a Railway. The northern boun
-ary of the Municipality will thu
be the Railway fence and not the
Railway line, as argued by the Chairm
and the fence not being a public
road or communication, the provis
that all premises which lie with
fifty yards of a public road or oth
communication forming a boundary

Shoul

he stated that it was necessary that Go-should be regarded as being within municipal limits, does not apply. In these circumstances, the Government sees no reason to modify its decision in G.O No. 1265 Financial, dated 10th June 1875.

2. The difficulty anticipated by the Chairman in working the Plague passport rules can be met by the Collector taking action under Original Mufassal Regulation 17-11 (c).

(From orders)

V.R.
8/12/98

H
9/12/98

To

PJO

The Chairman, M.C. Palghat,
through the Collector of Malabar,
with a plan returned.

Despd 12/12/98

Municipal limits of Palghat.

Local and Municipal Department.

Current No. 2907 M.

FOR ORDERS.

V In G.O. No.665 Public, dated 3rd July 1866, the town of Palghat was constituted a Municipality under Section 4 of the Towns' Improvement Act X of 1865, and in the notification fixing the Municipal limits of the town, "the Railway" was described as the northern boundary and it was provided that "all premises which "abut on, or which, or any portion of which, "lie within 50 yards of either side of any "public road, or other communication forming a boundary shall be for the purposes "of the said Act considered to be and treated as lying within the boundary".

(vide his letter in G.O 876 Finl dt 19-4-75) W

2. In 1875 the Vice-President of the Municipality pointed out that the tolling of the traffic from the Railway station was illegal, as the Railway station was within municipal limits and tolls could only be levied on carts, &c, "entering municipal limits", and in order to legalize the levy of tolls on vehicles returning from the Railway station, to which there was no access but by the municipal roads, he stated that it was necessary that Go-

Government should issue a notification excluding the Palghat Railway Station from municipal limits. The President of the Municipality, however, observed that "the Railway" had been declared by Government to be the northern boundary of the town, that by the term "Railway", the Government apparently meant the property of the Madras Railway Company included within the Railway fence and not, what could never have been intended to give municipal jurisdiction over, the middle of the railway embankment, that therefore, in his opinion, the Palghat Railway Station premises were not included in the municipality and that any further notification on the subject was unnecessary. On this the Government in its order No.1265 Financial, dated 10th June 1875, stated that it agreed with the President in considering that the Railway Station at Palghat was not included within municipal limits.

Vide his letter (Dis. No. 1265 [illegible] 10-6-75)

3. In his letter read above, the Chairman of the Municipality requests a reconsideration of G.O. No.1265 Financial, dated 10th June 1875, and states that in the survey map of the town prepared in 1890, the Railway Station is shown as being within municipal limits, that as the railway line is the northern boundary of the town for a distance of two miles there is no reason why that should not be taken as the boundary when the Railway Station is approached, and that as under the notification embodied in G.O. No.665 Public, dated [illegible] July 1866, "all premises

" premises which abut on, or which, or a " portion of which lie within 50 yards " either side of any public road or othe " communication forming a boundary should " be for the purposes of the Act considere " to be and treated as lying within the " boundary", the Railway Station must be regarded as being within municipal limits. He points out that the difficulty raised by the Vice-President in 1875, on the ground that the levy of tolls on the traffic from the Railway Station was illegal, does not now exist, as licensed and registered vehicles, which are not liable to pay tolls, generally ply between the town and the Railway Station and as most of the traffic arrives by Railway direct at Palghat, and adds that, if it is considered that the Railway Station is not included within municipal limits, the Hospital Assistant appointed by him under the instructions of the Collector to inspect passengers arriving by trains and to issue passports to persons coming from plague infected places and the Sanitary Staff which assists the Hospital Assistant on plague duty will have no locus standi as municipal servants at the Railway Station, and that such inspection should then be made only by the servants of the local Board.

4. It is not known whether the words "the Railway", used in the notification defining the boundaries of the Municipality, were intended to include the Railway Station. The term "Railway" as defined in the Indian Railways Act IX of 1890 and in the old Act IV of 1879, "means

Government should issue a noti
excluding the Palghat and includes
from municip ences or other boun-
indicating the limits of the
th
land appurtenant to a Railway,.... and
"all stations, offices .... and other works
"constructed for the purposes of or in
"connection with "a Railway". If the question be viewed in the light of this definition, which is in conformity with the opinion expressed by the President of the Municipality in 1875 and concurred in by Government, it would appear that the contention of the Chairman that the railway line should be taken as the boundary when the Railway Station is approached is not correct. But as under the notification defining the municipal limits, all premises which lie within 50 yards of either side of any communication forming a boundary must be regarded as being within municipal limits, and as the railway line is a communication forming a part of the boundary of the town, the Chairman's argument that the Railway Station should be considered as being included in the Municipality has some force. It is therefore for consideration whether the Government order of the 10th June 1875, No.1265 Financial, may not be cancelled.

Y

5. The Chairman states that, as only licensed and registered carts ply between the town and the Railway Station, they are not now liable to payment of tolls at the municipal toll-gate. This, however, it is submitted, does not meet the difficulty raised by the Vice-President in 1875, as the existence of a toll-gate placed at some distance within municipal limits is opposed to the spirit of Sections 47 and 91 of the Municipal Act and, if it is held that the Railway Station is included in the Municipality, the Municipal Council should be directed to remove the toll-gate to a site at the entrance of the Municipal limits.

J.R.
1/11/98

H.M.

Under Reg. 17. ii (c) Plague Pamph. p. 15 the Collr. can appoint any officer to give passports, so the difficulty contemplated by the Chairman vanishes.

To put the Ry Statn in Municl limits wd be to allow the Municy to tax it, & such taxation of the same Ry in many Municies is justly objected to by the Consulting Engr, as being part of a vicious system that must be changed before long.

It seems reasonable to act on the defn of the Ry Act which makes the Statn compound part of a Ry. Hence the limit will at this point leave the actual line of rails; or rather the Ry fence, will

Clearly.
M.A.

...om the boundary. Now
~~it is not~~ the f...
...ing the l...
and appurtenan... ...e fence is
not a road or other communication forming the boundary; & therefore the 50 yards rule does not come into play.

21 NOV 98
PUBLIC WORKS

Suggested order

The Govt. sees no suffi. reason to reopen the question of the Munic. limits which was decided in G.O. $\frac{1265}{10 \text{ June } 1875}$. The diff. anticipated by the Chairman in working the Plague passport rules can be met by action under Orig. Mun. Regs. 17. ii (c).

H
17.11.98

I agree with the Secy's argument but it should be suitably embodied in the G.O. so as to explain why it is needless to reopen the question.

21.11.98

F.A. Do you think the statement of the argument will unsettle the boundaries of any Munic.ies where the stations are not reputed to be within Ml. limits?

H
23.11.98

19.11.98.

I dont think it will, unless the Railway is described as a boundary of the municipality. It is not known in how many municipalities this is the case.
1/12

To The Public Works (Railway) Department for Counter-initials.

Cir. 1900
R98.

Local & Munl. (1898) Department

CURRENT No. 2907 M

No. 1900/R98. C. No. 514/98

Forwarded.

Ag. Hd. Asst. Comm.
22-8-98

F. AUSTIN
24 AUG 1898

From The Chairman,
Municipal Council,
Palghat

Order.

No. 3162

Dated 20th August 1898
Received 12 SEP 1898
Registered
Enclosures
Spare copies

TREASURY DEPUTY COLLECTOR
25 AUGUST 1898
MALABAR

SUBJECT.

Soliciting that, under the circumstances stated, the Government may be pleased to reconsider its Order No 1265 dated 10th June 1875 with respect to the northern boundary of the Palghat Municipality and the inclusion of the Railway Station south of the Railway line within the municipal limits.

R.C.
Please put up papers.
17/9
Put up

a27/10

…om the boundary. Now ~~it is not~~ the …

…ing the li…

and appurtenan… fence is not a road or other communication forming the boundary; & therefore the 50 yards rule does not come into play.

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RC
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P. 17/9

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nd appurte

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	1265	F.D	10-6-75
Go	876	F.D.	19-4-75
Go	665	P.D.	3-7-66

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Cir 1900
Rejd.

No. 3162

LOCAL & ... Department
CUR... ...o. 2907 ...
Pav

FROM,

M. R. Ry.
RAO BAHADUR P. I. CHINNASAWMY PILLAY AVA
Chairman, Municipal Coun
PALGHAT.

To, J. H. A Tremenheere Esqre I.C.S,
Secretary to Government,
Local and Municipal Department
Through The Collector of Malabar
The Head assistant Collector of Malabar

Sir,

I have the honor to subjoin a resolution of the Municipal Council dated 20th July 1898 No 14.

Present.

M. R. Ry. Rao Bahadur P. I. Chinnasawmy Pillay Avargal, Chairman
C. M. Barrow Esqre
M. R. Ry. V. S. Narayana aiyar Avargal.
" T. M. Parameswara Pattar Avargal.
" A. N. Rama aiyar Avargal.
" P. Ayyathurai Pattar Avargal.
" P. K. Subramania aiyar Avargal.
" S. Veeraraghava aiyar Avargal.
" A. Krishnan Nair Avargal.
" A. Chockalingam Pillay Avargal
" V. Vythilingam Pillay Avargal.
"

14. Read Memorandum of the Chairman

dated 14th July 1898 stating that, for
the reasons stated, the Railway build-
"ings, platforms &c south of the
"Railway line at Olavakode must be
"presumed to be within the Palghat
"Municipal limits.

"The Chairman is requested
"to represent the matter to Government."

2 In submitting the above resolution, I beg to offer the following remarks:-

The Palghat Municipality was constituted in 1866, in accordance with G.O. No 665 dated 3rd July 1866. The northern boundary of the Municipality as shown in the G.O. is "the Railway". On a reference made by the Acting President of the Municipal Commission, Malabar, the Government agreed with him "in considering that "the Railway station at Palghat (now known "as Olavakode since the branch line to "Palghat was opened,) is not included "within Municipal limits." (vide G.O. No 1265 dated 10th June 1875). This proposal "to "exclude the Railway station from the

Municipal

3

"Municipal limits" appears to have originated "in view to the traffic therefrom "being rendered legally liable to be tolled "by the Municipality" (vide para 11 of G.O. No 876 dated 19th April 1875) - a consideration which cannot have much force at present, inasmuch as licensed and registered vehicles, which are not liable to pay tolls, generally ply between the town and Olavakode Railway Station, and most of the traffic arrives by Railway direct at Palghat. But in 1890, when the town was surveyed under the orders of the Superintendent, Revenue Survey, the Railway station was shown so as to be included within the Municipal limit.

I beg to state that the Survey Map, herewith submitted, shows the boundary most accurately. The Railway line is the boundary on the north for a distance of more than 2 miles, and I beg to respectfully point out that there is no reason why the Railway line itself should not be the boundary when the Railway station is roached. — Even granting that the Railway station is excluded from the Municipal limits, I beg to state that it has to be considered to be within the Municipal limits as, under para 1 of the notification embodied in G.O. No. 665 dated 3rd July 1866, "all premises which "abut on, or which, or any portion of which "lie within 50 yards of either side of any "public road or other communication form-"ing a boundary, shall be for the pur-"poses of the said Act considered to be "and treated as lying within the "boundary." In my humble opinion, the most important reason why the Olavakode Railway station should be included within the Municipal limits is that the Hospital Assistant appointed by me under the instructions of the Collector to inspect passengers arriving by all trains at Olavakode, and to issue passports to persons coming from plague infected places, and the Sanitary staff who assist the Hospital Assistant on plague duty, have no locus standi as Municipal servants at the Olavakode Railway station, if it is excluded from the Municipal limits, and, that, such inspection should then be made by Local Board servants only. In these circumstances viz that the Olavakode Railway station is situate within the Municipal limits according to the map prepared by the Survey Department, and that, in accordance with G.O. No. 665 of 1866, all lands within 50 yards of the boundary should be treated as lying within the Municipal limits, I beg respectfully to request that the Government may be pleased to reconsider its order No. 1265 dated 10th June 1875, and that the Railway station south of the Railway line may be deemed to be included within the Municipality

ghat as constituted by G.O. No 665
3rd July 1866 The enclosure - the
Upathi Ward Survey Map - may be
returned when it is no longer required

I have the honor to be,
Sir,
Your most obedt. Servt,
Chairman

Ord.

End on C No $\frac{5\ 14}{m}$ 9-98

Forwarded.

H. Parsons
ag Collector

Calicut
10-9-98

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given for copying
copied
examined
signed 12/12
} 189 .

RAIN G.O., No. , DATED
189 .

ENT No.

CLOSURES TO C. No.

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

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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