[L. & M. / 5,000—5-4-99.]

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 1808M

DATED 5/12/99

[Despatch Abstract.]

Munl Council

Agreeing with the Collector of North Arcot in considering that the resolution of the Vellore — fixing the market contractors was ultra vires and directing that the Collector's order cancelling the resolution shall continue in force permanently

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.

Papers to be read in Proceedings:—

Again G.O., No. dated 189 ,
Again G.O., No dated 189 ,
Current No. 1514-M of 1899, dated 2-6-99, from the Collector of North Arcot.
" " 2149-M " 1899, " 7-8-99, " do do
" " 2831-M " 1899, " 26-9-99, " do do.

Mis.

No. 1808 Mis.
5/12/99

ORDER.

The Government agrees with the Collector in considering that the resolutions of the Municipal Council dated 30th March 1899 was ultra vires and accordingly directs under Sec. 35(2) of the District Municipalities Act that the Collector's order. Dis. No. 819. Eng. dated 1st June 1899 cancelling the said resolution, shall continue in force permanently.

(From orders)

I.R.
30/11/99

4 12 99

To
The Chairman M.C. Vellore, with the enclosures. P.O.
" Collector of North Arcot. P.O. desp. 6/12/99

The Collector of North Arcot [illegible]

[illegible]

1514 M.
2149 M.
2831 M.

Government agree with the Collector in considering that the resolution of the Municipal Council dated 30th March 1899 was ultra vires and accordingly direct under section 35 of the District Municipalities Act that the Collector's order Dis. 819 dated 1st June 1899 cancelling the said resolution shall continue in force permanently.

(Draw orders)

$\left[\frac{G.}{25}\right]$
250—18-2-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. Nos. 1514, 2149 and 2831 M.

SUBJECT.

Resolution of the Municipal Council of Vellore, fining the market contractors.

FOR ORDERS.

F.M.

E

G

E. G

On the 30th March 1899, the Municipal Council of Vellore passed a resolution fining the market contractors, Asadulla Sahib and Chhaba Meyan Sahib, Rs. 500 for having collected rents and fees from stall-holders in excess of the rates prescribed by the Council. The Collector of North Arcot in his order Dis. No. 819 Eng: dated 1st June 1899, cancelled that resolution under Section 35 of the Madras District Municipalities Act, on the ground that the Coun had acted in excess of the powers conferred on it by law, and with the first and second of the letters read above, he submitted to Govt a copy of this order for ~~the~~ necess action under Section 35 (2), as also a copy of the Council's resolution of

the

30th March 1899 and the bond executed by the Contractors. The Collector observed that the penalties leviable under Section 284 of the Madras District Municipalities Act, under which presumably the Contractors had been fined by the Council, could be imposed only by a Magistrate, that although clause 18 of the Contractors' bond rendered them liable to a fine not exceeding one rupee on every occasion on which excess collection was made, such a fine could, according to the terms of the bond, be levied nly by the Chairman and not by the Council and that there was no provision of law under which the Council could fine the Contractors.

2. The Municipal Council of Vellore to which the Collector's letters were eferred for remarks, says (vide l. 2831 M) that the Collector's der cancelling the resolution of the uncil dated 30th March 1899 is excess of his powers under Section 5 of the District Municipalities ct, as the Council did not act under

No. It was the Collr's "opinion" whether that opinion was correct or not, and the order ~~was~~ therefore was not ultra vires.
M.A.

under Section 284, as presumed by him. The Chairman adds that as he received complaints from the stall-holders that the market Contractors exacted higher rates of fees from them, he caused an enquiry to be held into the matter by the Councillor, M.R.Ry Chelvaperumal Chettiyar, that on receipt of his report corroborating the complaints, the papers were placed before the Council on the 30th March 1899, as he did not wish to take the responsibility on himself in such a difficult and important matter, that the Contractors who were present at the meeting admitted the allegations of the stall-holders to be true, that as there were eighteen temporary stalls in the market from the holders of which the Contractors admitted having collected higher rates of rent, the Council considered that under clause 18 of the bond it would be strictly within its powers fine the Contractors Rs 540 a mon or Rs. 6480 a year at the rate of on rupee per stall per day, but tha as an act of mercy the Council
ev
[illegible] in excess of the
ra

levied a fine of only Rs 500 in round numbers for ~~the~~ 28 days of March. He also points out that as under Section 44(2) of the Act the Municipal Council is the Contracting party, the insertion in the Contract bond of a clause empowering the Chairman to levy penalties on behalf of the Council, which was made for administrative purposes and for facilitating business, cannot deprive the Council of its rights as a Contracting party, that the Council was quite within its right in enforcing a penal clause of the Contract bond against the Contractors and that even admitting for the sake of argument that the Chairman and not the Council should have imposed the penalty, as stated by the Collector, there is no ground for cancelling the proceedings of the Council, as its action was bona fide and can at the most ~~only~~ amount only to a mistake or irregularity. In forwarding the Chairman's letter, the Collector observes that the report of

M.R.Ry

A

This merely requires the sanction of the M.C. to the making of the contract. MA

The clause as translated does not say this. MA

5/

M.R.Ry Chelvaperumal Chettiyar on the strength of which the fine w imposed, only shows that he discovered excess Collections amountin to annas 5-9 having been made b the Contractors on the 13th and 14 of March from fourteen shopkeep that although he makes allegatio of general excess Collections extending over a long period, there is n record of ~~excess~~ such Collections and tha the so-called written admission of the Contractors is nowhere to be found. The Collector adds that the Contractors had given evidence against the manager, the Councill Chelvaperumal Chettiyar and others before the Sub Collector in Connection with his enquiry into the Complaints made against them and the administration of the Municipality, and considers that the fine of Rs. 500 was vindictive an excessive.

N

3. Clause 18 of the Contractor's bo says that the Contractors shall liable to pay a fine not exceedin one rupee for every time on wh they Collect rents in excess of the

rat

ates prescribed in the bond.
under clause 24, the Chairman has
the full power to impose a fine
in Connection with the Contract or
to reduce any fine so imposed and
lause 22 says that every action
ken by the Chairman in respect
f the Contract and every fine
imposed by him shall be final.
It will thus be seen that in the
Contract bond the Council did
not reserve to itself any right
to fine the Contractors and as there
is no provision in the District
Municipalities Act authorising the
Council to impose fines in such
Cases, it had no power to fine the
Contractors. The resolution of the
30th March 1899. was therefore ultra
vires and it is submitted that
under Section 35(2) of the Act, the
Government may direct that
the order of the Collector Dis. No. 819
ng: dated 1st. June 1899, Cancelling
the said resolution, shall continue
in force permanently.

V.R.
28/11/99

H.T.
28 11 99

H.T.
ALA 29.11.99.

El Rpto. 2268 of 99

Local & Munl. (1899) Department.

CR

CURRENT No. 1514 M

14 JUN 1899

From

The Collector of N. Arcot.

N
~~Order~~ Dis No. 677
23/6/99

Desp

The Collector is requested to submit a copy of the Municipal Council's resolution referred to and of the bond executed by the Contractors.

ADe
20/6/99

Dis No. 819
D Ems of 99

Dated 2nd June 1899.
Received 5th June 1899.
Registered 6th —
Enclosures one.
Spare copies nil.

4

5-9-99

IR
16.6.99

SUBJECT.

Forwarding a copy of the order cancelling the resolution of the Vellore Municipal Council imposing a penalty of Rs. 500 on the Vellore Municipal Market Contractors for excess collection from the stall holders.

To

The Collector of North Arcot.
Despd 28/6/99

CR

TO BE RETURNED
WITH REPLY.

current No. 1514 M & 2149 M

No. 880 Q 23 8 99

Referred to the Municipal Council of Vellore for remarks, which should be submitted through the Collector

(By order)

A Edgington
Ag Assistant Secretary.

17.8.99

meeting
24.8.99.

MUNICIPAL OFFICE
24 AUG 99
VELLORE

PS
24.8.99

To

The Chairman, M.C. Vellore.

BACK PAPERS.

G.O.	No.	Department.	Date.
Ro	513	Loc	21-4-99

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Proceedings of the Acting Collector of Nort
Arcot dated Chittoor 1st June 1899.

Read petition dated 1st April 1899 from Asadullah Saheb and Chabu Meean Saheb market contractors of Vellore, requesting to cancel the resolution of the Municipal Council imposing a penalty of Rs 500 on them

Read North Arcot Sub Collector's report on the same, Ref on Coll's Cu. no 403 of 99 dated 7th May 1899 and enclosures.

Order Dis $\frac{819}{D\,Eng}$ of 99.

It appears from the papers read above that the Vellore Municipal Council has imposed a fine of Rs 500 on the Town Market contractors for making excess collections from Stall-holders.

Presumably this fine has been levied under Section 284 of the Madras District Municipalities Act and the Council has ignored the fact that the penalties exacted by that Section can be imposed only by a magistrate

21/6/99

Clause 18 of the contractors' bond renders them liable to a fine not exceeding one Rupee on every occasion on which excess collection is made, but according to the terms of the bond these fines are leviable by the chairman and not by the Council, the chairman's decision being so far as I am aware final. There is no provision of law under which the Municipal Council can impose such a fine. The Council's resolution above referred to, being clearly in excess of the powers conferred on the Council by law I hereby cancel the same under Section 35 of the Madras District Municipalities Act.

(Sd). R. H. Campbell
Ag Collector.

(True Copy)

R H Campbell

~~For~~ Ag Collector.

CRK
1/6/99

1
1574/M/99

NORTH ARCOT, COLLECTOR'S OFFICE,
Chittoor, 2nd June 1899
Dis No. 819 of 1899
D.Ms

FROM

R. H. Campbell Esqr.
Ag COLLECTOR ~~AND DISTRICT~~ MAGISTRATE,
North Arcot,

LOCAL & MUNICIPAL DEPT
CURRENT No. 1574

To

~~THE~~ ~~Secretary to Government~~
Local and Municipal Department
Madras.

SIR,

In accordance with Section 35 (2) of the Madras District Municipalities Act, I have the honor to forward herewith a copy of my order cancelling a resolution of the Vellore Municipal Council, imposing a fine of Rs 500 on Asadullah Saheb and Chabu Meean Saheb, market contractors of Vellore, for excess collection alleged to have been made by the contractors from the Stall-holders.

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

R H Campbell

~~For~~ Ag Collector.

DESPATCHED
3 - JUN. 1899

CRK
2/6/99

9/

Local & Munl. (1899) Department.

CURRENT No. 2149 M

Order

From The Collector
of North Arcot

Dis. No. $\frac{1332}{\text{D. Eng}}$ of 99.

Dated 7. August 1899.

Received 10 AUG. 1899

Registered —

Enclosures 2

Spare copies nil

SUBJECT.

Submitting a copy of the bond executed by the Market Contractor of the Vellore Municipality & of the Resolution of the Council fining these contractors by Rs 300.

T.A.
10/8

Ind/8

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Copy of the bond executed by the Market Contractors

1898 [illegible] 31 [illegible]
[illegible]
[illegible] (1) [illegible]
[illegible]
[illegible] (2) [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 1898 [illegible] 1 [illegible]
[illegible] 1899 [illegible] 31 [illegible]
[illegible] 1898 [illegible]
[illegible]
[illegible] 8700 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

(1) [illegible]
[illegible]
[illegible]
[illegible]

(2) [illegible]
[illegible] 8700 [illegible]
[illegible] 12 [illegible]
[illegible]
[illegible] 15 [illegible]

[illegible] 362-8-0 [illegible] 25 [illegible] 362-8-0 [illegible] 15 [illegible] 1 [illegible] 5 [illegible] 20 [illegible] 25 [illegible] 1 [illegible] 5 [illegible] 30 [illegible] 21 [illegible] 31 [illegible] 1 [illegible]

[illegible] 725-0-0 [illegible] 100-0-0 [illegible] 825-0-0 [illegible]

(3) [illegible]

[illegible]

4. [illegible]

5. [illegible]

[illegible]

6. [illegible]

[illegible]

[illegible]

(1) [illegible] A [illegible] C. [illegible] 1 [illegible] 1 [illegible] 2-4-0 [illegible] 1 [illegible] 1 [illegible]

(2) [illegible] 4-8-0 [illegible] 2 [illegible] 1 [illegible] 1 [illegible] 1-0-0 [illegible] 1 [illegible] 1 [illegible] 2-0-0 [illegible]

[illegible]

(3) 1.2 [illegible] 4 [illegible]

3-4 [illegible] 4 [illegible] 1 [illegible] 1 [illegible] 0-1-0 [illegible]

(4) 5-6 [illegible] 4 [illegible] 1363 [illegible] 12 [illegible] 1 [illegible] 0-0-9 [illegible]

(5) 1.3 [illegible] 2-4 [illegible] 12. [illegible] 25-26 [illegible] 12 [illegible] 1 [illegible] 0-0-8 [illegible]

(6) 1-3. [illegible]

2.4. [illegible] 12 [illegible] 15 [illegible] 5-6-11-14 [illegible] 4 [illegible] 1 [illegible] 1 [illegible] 0-0-6 [illegible]

(7) 15 [illegible] 17-18-19-20-21, 22-23 & 24 [illegible] 8 [illegible] 12 [illegible] 0-0-5 [illegible]

(8) 16 [illegible]

[illegible]

[illegible] 0 0 4 0 3 8

(9) 7-8. [illegible]

[illegible] 0 0 3 6

(10) 9-10. [illegible]

[illegible] 0 0 2 6

(11) 27. [illegible] 2 0 0 6

[illegible]

7. [illegible] 4. [illegible]

8. [illegible]

9. [illegible]

[illegible]

10. [illegible]

(1) [illegible] 0 0 4.

(2) [illegible] 0 0 2.

(3) [illegible] 0 0 1.

11. [illegible] 0 1 0

[illegible]

12. [illegible] 10 [illegible] 10 [illegible] 0-1-8 [illegible]

13. [illegible] 6½ [illegible] 8 [illegible] 2 [illegible]

14. [illegible]

15. [illegible]

16. [illegible] 4 [illegible]

3 [illegible]

2 [illegible]

[illegible]

17. [illegible]

18. [illegible]

If rates in excess of those prescribed above should be collected by us, we shall be liable to pay a fine not exceeding one rupee for every time on which such excess collection is made.

19. [illegible]

20. [illegible]

21. [illegible] 1890 [illegible] 11 [illegible] 1509 [illegible] 47 [illegible] 47 (?) [illegible] 195 - 269 [illegible] 825 - 0 - 0 [illegible]

[illegible]

22. [illegible]

Every action taken by the Chairman in respect of this contract & every fine imposed by him shall be final.

COLLECTOR'S OFFICE 5 NORTH ARCOT

23. [illegible]

24. [illegible]

The Chairman shall have full power to impose a fine in connection with this contract or to reduce any fine so imposed by him.

(Signed) Rajagopaul Naidu
Councillor

(Signed in Tamil) Asadulla Sahib

(Signed) Mahomed Habibulla Sahib
Chairman

(Signed in Hindustani) Chabumeyan Sahib

True Copy

Vellore
Municipal Office
3rd August 1899

A. W. [illegible]
Chairman

2
2149/mi/99

MEETING NO. 73.

EXTRACT from PROCEEDINGS at a Special MEETING of the MUNICIPAL COUNCIL for the TOWN of VELLORE, dated 30th MARCH 1899.

PRESENT.

Res: No. 3.

Considered complaints of market stall-holders against Market contractors Assadulla Sahib and Chabumeyan Sahib for having made excess collection & for reduction of their rents for reasons stated. Read also letters from Councillors M. R Ry. A . Chelvaperumal Chettiyar Avergal and Zahir Hagee Azizulla Sahib on the subject.

The Council resolves to fine Rs (500) to the market contractors Asadulla Sahib and Chabumeyan Sahib for making excess collections from stall holders. They admit the receipts filed in the office which go to prove that they collected more than the rates given in the agreement executed by them. The stall holders are at liberty to collect the excess from the market contractors and also to proceed criminally against them.

(Signed). A.C. Seshagiri Row,
Chairman.

(True Copy)

For Ag. Collector.

1/2052 M/00

1/2149/M/99

NORTH ARCOT, COLLECTOR'S OFFICE,

Chittoor, 7th August 1899.

D. No. 1332 of 1899.

D. Eng

FROM

R. H. Campbell Esquire, I. C. S.,

Ag. COLLECTOR AND DISTRICT MAGISTRATE,

North Arcot,

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2149 M

THE Secretary to the Government of Madras,

Local and Municipal Department,

Fort Saint George.

SIR,

With reference to Government Memorandum, dated 23rd June 1899, No. 677, I have the honour to forward a copy of the Vellore Municipal Council's resolution and of the bond executed by the market contractors.

I have the honour to be,

Sir,

Your most obedient servant,

for Ag. Collector.

C. J.

8 - AUG.1899

Local & Munl. (1899) Department.

CURRENT No. 2831 M

Order

From

The Ag. Collector,
North Arcot.

Dis No. 1822 / D. Eng. 99

Dated	26-10-99
Received	30-10-99
Registered	31-10-99
Enclosures	4 & C. nos. 1514 M & 2149 M 99 returned.
Spare copies	nil.

SUBJECT.

Forwarding with remarks letters from the Chairman, Munl. Council, Vellore submitting remarks on the order of the Collector cancelling the resolution of the Council imposing a penalty of Rs 500 on the Munl. Market contractors.

4/11

BACK PAPERS

G.O.	No.	Department.	Date.
Jo	518	L&M	21-4-99

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Genl. Cur. Regn. No. 1226 E of 1899

Local & Munl. (1899) Department.

CURRENT No.

COLLECTOR'S OFFICE, [illegible] SEP 1899 NORTH ARCOT.

From The Chairman Municipal Council Vellore

Order

No. 1851 of 99

Dated 5th September 1899.

Received

Registered

Enclosures 12.

Spare copies

SUBJECT.

Offering remarks with reference to the order of the Collector cancelling the resolution of the Vellore Municipal Council imposing a penalty of Rs 500 on the Vellore Municipal Market contractors for excess collection from the stall-holders.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

MEETING NO. 27

Extract from Proceedings at a GENERAL ~~SPECIAL~~ Meeting of the Municipal Council for the Town of Vellore, dated 5th september *1899*.

PRESENT.

~~Res: No.~~

1. M. R. Ry. A. C. Seshaghiri Row Avergal Chairman
2. N. Mac Michael Esquire M. A. I. C. S. Sub-Collector
3. Reverend H. J. Scudder M. A.
4. Surgeon-Lieutenant-Colonel John Lancaster M. B.
5. M. R. Ry. Nadamuni Mudaliar Avergal
6. " Panniakoti Mudaliar Avergal
7. " Subroya Chettiar Avergal
8. " C. Siva Row Avergal
9. " Manickka Chettiar Avergal.
10. " Krishnasami Naidu Garu.
11. " Gopalakrishna Mudaliar Avergal.
12. Sheik Ahmed Sahib.
13. Subadar Ahmed Khan Sahib.

Resolution No 4.

Read endorsement No. 880 dated 23rd August 1899 of Ag. Assistant Secretary to Government referring for remarks a copy of the order of the Collector Cancelling the resolution of the Vellore Municipal Council imposing a penalty of Rs 500.0.0 on the Vellore Municipal

Market

Market Contractors for excess Collection from the Stall-holders.

Proposed by M. R. Ry Punniakoti Mudaliar Avergal and seconded by M. R. Ry Gopalakrishna Mudaliar Avergal that the Order of the Collector Cancelling the resolution of the Council fixing the Market Contractors Rs 500 is in excess of his powers under section 35 of the amended District Municipalities Act inasmuch as the Council did not act under section 284 of the said Act as presumed by him.

Carried

10 for and 3 against

The Council requests the Chairman to report the facts to Government, in his Covering letter, under which the penalty was levied.

(Signed) A. C. Seshaghiri Row
Chairman

(True Extract)

Chairman

No. 1854 of 99

Vellore Municipal Office,
Dated 5th September 1899.

From
M. R. Ry. A. C. Seshaghiri Row Avergal,
CHAIRMAN, MUNICIPAL COUNCIL,
VELLORE.

To
THE SECRETARY TO GOVERNMENT,
LOCAL AND MUNICIPAL DEPARTMENTS,
Fort St. George.

(Through the Collector North Arcot District)

Sir,

With reference to your endorsement No. 880 dated 23rd August 1899 referring for remarks of the Municipal Council, Vellore, a copy of the Order of the Collector Cancelling the resolution of the Vellore Municipal Council imposing a penalty of Rs 500-0-0 on the Vellore Municipal Market Contractors for excess collections from the Stall-holders, I have the honor to furnish a copy of the Council's resolution thereon – No. 4 dated 5th September 1899 – and to state in accordance therewith the facts which led to the levy of the penalty imposed.

2. Towards the close of March 1899, I received certain petitions from the Stall-holders of the Market, bringing to notice that the Contractors had exacted higher rates

rates than those authorized. This petition I referred to a Sub-Committee consisting of two Councillors for inquiry and report.

3. On the Sub-committee's report being received corroborating the complaints of the Stall-holders, I placed the whole of the connected papers before a meeting of the Council held on the 30th March 1899, as in such a difficult and important matter I did not wish to take the .... initiative or assume responsibility myself, but wished to receive the instructions of the Council on the matter.

4. At that meeting the Contractors were present and in their explanation they admitted the allegations of the Stall-holders to be true.

5. There were 18 temporary stalls from the holders of which the Contractors had admitted that they had exacted higher rates of rents and in accordance with para 18 of the Contract bond if a fine of one rupee per stall per day were levied it would have amounted to Rs 540 a month or Rs 6480 a year. This the Council considered would, though strictly within

its

its rights, appear to be arbitrary, and therefore as an act of mercy the Council considered that if a fine of one rupee per stall for the 18 stalls for 28 days of March be levied (ie round numbers Rupees 500) it would meet the case and act as a deterrent effect - hence it was that this fine of Rs500 was levied.

6. It will be observed that the Council never intended to assume the powers of a Magistrate under section 284 of the amended District Municipalities Act, and never fined the Contractor so - and therefore the Collector's presumption that the Council assumed the powers of a Magistrate and fined the Contractor is incorrect.

7. The Contracting parties are the Contractors on the one part and the Municipal Council on the other, as per Section 44 Subsection 2 of the Municipal Act, and although for administrative purposes and for facilitating business a clause was inserted in the Contract bond empowering the Chairman to levy penalties on behalf of the Council, still I think it

The clause as translated does not say this
AH

Could

could not deprive the Council of its rights as a contracting party.

8. I am of opinion that the Council as a party to the Contract was quite within its right to enforce a penal clause of the Contract bond against the other party committing a breach of such Contract.

COLLECTOR'S OFFICE
8 SEP 1899
NORTH ARCOT.

9. Even admitting for the sake of argument that the Chairman, and not the Council, should have imposed the penalty as stated by the Collector, the action of the Council being bonafide, can at the utmost only amount to a mistake or irregularity and the Proceedings of the Council cannot therefore be vitiated.

10. Under the circumstances set forth above, I agree with the Council in coming to the conclusion that the Collector, in cancelling the resolution of the Council under reference, has acted in excess of the powers vested in him under Section 35 of the amended District Municipalities Act.

11. The Connected papers are herewith returned.

I have the honor to be,
Sir,
Your most obedient servant
A. Varty[illegible]
Chairman

3
2831/m/99

Reference on No. .... of 18
CE
d. 25-9-99

Local & Munl. (189 9) Department.

CURRENT No.

From
The Chairman,
Municipal Council,
Vellore.

Order

No. 1948 of 99

Dated 26th September 1899
Received
Registered
Enclosures
Spare copies

SUBJECT.

Submitting revised letter in continuation of this Office letter No. 1851 dated 5th Instant.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Dis. No. 1822 of 99.

No. 1878

Vellore Municipal Office,

Dated 26th September 1899.

From

M. R. Ry. A. C. Seshaghiri Row Avergal,
CHAIRMAN, MUNICIPAL COUNCIL,
VELLORE.

To

THE SECRETARY TO GOVERNMENT,
LOCAL AND MUNICIPAL DEPARTMENTS,
Fort St. George.
(Through the Collector, North Arcot).

Sir,

In continuation of my letter No. 1851 dated 5th Instant, I have the honour to amend paras 2 and the first portion of para 3 of my letter above quoted as follows:—

2. In the month of March 1899, I received a certain petition from the stall-holders of the market bringing to notice that the contractors had exacted higher rates than those authorized. In the meanwhile I received a letter from Councillor Zahir Hafiz Azizulla Sahib bringing to my notice that on enquiry several complaints were made to him about the contractors exacting higher rates of fees than those prescribed

from

and Zahir Haffiz Azizulla Sahib's letter, I referred to Mr. R. Ry. A. Chelva Perumaul Chettiar Avergal, Municipal Councillor, for report.

3. Instead of "on the Sub-Committee report" read "on Mr. R. Ry. A. Chelva Perumaul Chettiar "Avergal's report being received &c &c &c."

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

for Chairman

and Zahir Haffiz Azizulla Sahib's letter, I referred to Mr. R. Ry. A. Chelva Perumaul Chettiar Avergal, Municipal Councillor, for report.

3. Instead of "on the Sub-Committee report" read "on Mr. R. Ry. A. Chelva Perumaul Chettiar "Avergal's report being received &c &c &c."

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

for Chairman

2
2831/m/99

Dis. No. 1822 of 99.
D. Engl.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2831/m

Forwarded to Government.

The fine was imposed on the strength of a report from Councillor, Chelva Perumal Chetty. This report shews that on the 13th and 14th of March the Councillor referred to discovered that the market contractor had made excess collections amounting to Rs. 0- 5- 9 from 14 shop keepers.

The Councillor makes allegations of general excess collections extending over a long period, but there is no record of such excess collections. Curiously enough the so-called written admission of the contractors is nowhere to be found.

I think that the fine of Rs. 500, on the facts proved, was vindictive and excessive. I use the word vindictive, because it was known at the time that these contractors had given evidence against the Manager, the Councillor Chelva Perumal Chetty and others before the Sub Collector, and I - venture to affirm that but for this fact the fine would have been very much smaller.

The Contract bond empowers the Chairman and not the Council to impose fines.

Ag. Collector.

North Arcot Collector's Office,
Chittoor, 26th October 1899.

DESPATCHED
27 OCT. 1899

C. J.
26/10/99.
CRK

2/2052 [illegible]

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EAD 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.

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