Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 1562 M

DATED 11-10-99

[Despatch Abstract.]

License Cancelling the resolution of the Munl. Council of Madura granting a L to a Munl Councillor to put up a Governor's tatti in front of his house.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Mis 1056/00 = 733							

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llation of a resolution of the Madura Muni Council

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in proceedings :—

Again G.O., No. dated 189 .
Again G.O., No. dated 189 .
Current No. 1126 mn of 1899, dated 22d april 99, from the Colr of Madura
" " 2559 mn " 1899, " 27th September 99, " " "
" " " 189 , " , "

Misc

ORDER. No. 1562 Muni 24-10-99

The Government Considers that the resolution of the Municipal Council of Madura, No 450, dated 1st February 1899, granting a license to M.R.Ry Muttuswami Pillai to put up a governor's tatti in front of his house is opposed to section 169 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, in as much as the projection extends over the street to a distance exceeding five feet from the line of frontage and is supported by posts standing out on the road, instead of by posts projecting from the walls of the house as contemplated by that section. The resolution is accordingly Cancelled under Sec. 35(1) of the act, as being ultra vires.

(From order)

V.R.
18/10/99

21-10-99

The Collector of Madura P.A.
Chairman, Mpl Madura P.C.
Desp. 26/10/99

2684

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., No. , dated 189 .

Current No. 1126 m of 1899, dated 22d April 99 from the Collector of Madura

Current No. 2559 m of 1899, dated 27th September 99 from the "

SUBJECT.

Licence for a Governor's tatti, Madura Municipality.

HM

To the Hon. Mr. Winterbotham with reference to the Hon'ble Mr. Arundel's remarks.

12.X.99

FOR ORDERS.

~~The facts of the Case are~~ set ~~forth in the Collector's first letter~~ above ~~...~~

~~The resolution of the~~ Municipal Council No 450 dated 1st 1899 granting a licence to M.R.Ry. Mu Swami Pillai to put up a Governor's t in front of his house, seems to be *vires*, firstly because the projection extends over the street to a distance more than five feet and second because Sec 169 apparently contem only sunshades, verandahs &c sup by posts from the walls of the while in the present case the are standing out ~~into~~ on the road. It is therefore ~~to~~ submitted that resolution may be cancelled Sec 35(1) of the D.M Act, and

Municipal Council asked to have the structure, or such portion of it as stands on the public street and in excess of five feet from the frontage, removed without delay.

V.R.
7/10/99

I don't feel quite sure as to the construction to be put upon § 169. But it appears to me that the verandah, balcony, sunshade etc mentioned there means something projecting from the wall not supported by posts or pillars let into the road way. A projection with pillars in the road must cause "public inconvenience" & it is obviously very undesirable that in a street in a ~~[illegible]~~ town like Madura people sh'd be allowed to erect pillars in the streets to support sunshades or verandah roofs.

In Muthusamy Pillai's case clearly the pillars standing more than 5 ft from the line of frontage the erection was improper & should not have been licensed.

10. x. 99

There is no doubt at all that this was the intention.

Yes – so also would a projecting verandah even 7 ft above the roadway if loaded carts were likely to pass that way.

I think the Res. should be cancelled under Sec 35 (1). ~~[illegible]~~ Very likely a suit may be filed against Govt. but I think it can successfully be defended; and if not the law must be altered.

Let ~~the~~ Hon. Mr Winterbotham see.

11. 10. 99.

I agree
12-10-99.

Enclosure No 1. to Madura Collector's Roc 2684/genl of 98 d/ 22-4-99

4

Local & Munl. (1899.) Department.

CURRENT No. 1126 M

23 APR 1899

As I understand the Act, it only licences – sun shades & verandahs which are supported by posts from the wall of the house. They cases apparently the posts are standing out into the road. This does not occur what is meant in the Act.

Refce ~~No~~ 550 d/ 13/6/99

From

The Collector of
Madura

Ro. c. No. 2684/genl of 98

Dated 22nd april 1899.

Received 24th

Registered 25th

Enclosures Six

Spare copies nil

SUBJECT.

Requesting to order the cancelment of a resolution of the Municipal council of Madura regarding the erection of a governor's thatti in front of a house

~~**Order**~~

The Collector is requested to submit a copy of the Municipal Council's resolution referred to in the last sentence of para. 3 of his letter, as it has not been received in the Government office and to forward a sketch showing the position of the tatti put up by M.R.Ry Muthuswami Pillai, the line of frontage of his house as compared with that of the adjoining house and the public street.

V.R.
5/5/99

9. v. 99.

To
The Collector of Madura ✓
~~Cop~~ 13/5/99

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	164	M	8.2.99

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure No 1. to Madura Collector's Roc $\frac{2684}{\text{genl}}$ of 98 dt 22.11.98

No. 36 dated 23d September 1898

From

R. Fischer Esquire
Chairman Municipal Council
Madura.

To

The Secretary to Government
Local and Municipal department
Madras.

Through the Collector of Madura.

Sir,

In forwarding herewith copy of the resolution of the Municipal Council No 253 dated 24th August 1898 I have the honour to state that M.R.Ry P. M. Muthusami Iyer Avergal a Municipal Councillor and a High Court Vakil applied for permission to erect a Governor's thatti in front of his house and to substitute zinc sheds for plaited cocoanut leaves which is what is generally used, undertaking at the same time to remove them whenever required by the Municipality. As I was under the impression that in the case of sun shades the posts supporting the Governor's thatti would be fitted into the wall of the applicant's applicant's house and not on Municipal ground I granted the necessary permission. M.R.Ry R. Muthusami Pillai Avergal another councillor followed suit and applied for similar permission and this was also accorded. Both these applicants have erected Governor's thatties of zinc sheets and supported by stone posts planted on Municipal ground and seem to all appearance to partake of the nature of a permanent structure. As the matter was important I ascertained the sense of the Council at a meeting held on the 24th August 1898 when the resolution referred to in para 1 supra was passed. As I have doubts as to the propriety of my action and of the resolution of the Council I have deemed it desirable to lay the matter before Government for such orders as they may think fit to pass.

I have the honour to be,
Sir,
your most obedient servant
(Sd) R. Fischer
Chairman.

(True Copy)

Madura }
22-4-99 }

Srinivasachar
For Collector
21.4.99

6/1126/M/99

Enclosure No 2 to Madura Collector's letter Roc 2684/genl of 98 22-4-99

Extract from the Proceedings of the Municipal Council Madura passed at its meeting held on the 1st February 1898.

x x x

450. Read report of the Secretary on the alleged encroachment of Municipal land in front of Mr Muthusami Pillai's house called for in Council's resolution No 378 dated 30th November 1898.

Resolved that the pandal be allowed to remain without admitting Mr. Muthusami Pillai's right to the land on which the drain is built. Mr Muthusami Pillai admits that he has no right to the same.

x x x

(Signed) R. Fischer
Chairman

(True extract)

(Sd) M. Ramaiyengar (Secty)
For Chairman

(True Copy)

Srinivasachar

For Collector
11.4.99

Madura }
22.4.99 }

plicants house and not on Municipal ground I granted the necessary permission. M.R.Ry. R. Muthusami Pillai Avergal another councillor followed suit and applied for similar permission and this was also accorded. Both these applicants have erected Governor's thatties of zinc sheets and supported by stone posts planted on Municipal ground and seem to all appearance to partake of the nature of a permanent structure. As the matter was important I ascertained the sense of the Council at a meeting held on the 24th August 1898 when the resolution referred to in para 1 supra was passed. As I have doubts as to the propriety of my action and of the resolution of the Council I have deemed it desirable to lay the matter before Government for such orders as they may think fit to pass.

I have the honour &c.,
Sir,
Your most obedient Servant
(Sd) R. Fischer
Chairman.

(True Copy)

Madura
22-4-99

Srinivasachar
For Collector
21.4.99

6
1126/M/99

Enclosure No 2 to Madura Collector's letter Roc $\frac{2684}{genl}$ of 98 22-4-99

Extract from the Proceedings of the Municipal Council Madura passed at its meeting held on the 1st February 1899.

× × ×

450. Read report of the Secretary on the alleged encroachment of Municipal land in front of Mr Muthusami Pillai's house called for in Council's resolution No 378 dated 30th November 1898.

Resolved that the pandal be allowed to remain without admitting Mr. Muthusami Pillai's right to the land on which the drain is built. Mr Muthusami Pillai admits that he has no right to the same.

× × ×

(Signed) R. Fischer
Chairman

(True extract)

(Sd) M. Ramaiengar
Secty For Chairman

(True Copy)

Madura
22-4-99.

Srinivasachar
For Collector
21.4.99

5/1126/M/99

8

Enclosure No 3 to Madura Collector's Roc 2684/genl of 98 d/ 22.4.99

To

The Chairman Municipal Council
Madura.

Sir,

Mr. Muthusami Iyer's sun shade satisfies the conditions of section 169. But Mr Muthusami Pillai's sun shade measures 6 feet 4 inches in width i.e from the line of frontage against 5 feet.

(Signed) J. C. Nallasami Pillai
Chief Sanitary Inspector
21-10-98.

(True Copy)

(Signed) M. Ramalingam Chy
Secretary

(True Copy)

Srinivasachar
For Collector
21.4.99

Madura
22.4.99

4
1126/M/99

Enclosure No 4. to Madura Collector's letter Roc. No. 2684/Genl of 99 d 22-4-99

Madura Municipality

Note for the Council.

In accordance with the resolution of the Municipal Council No 378 dated 30th November 1898 I have measured the house of Mr R. Muthusami Pillai. In the enclosed copy of sale deed given to me the total length of the house from North to South is given as 158 feet but on actual measurement I find it measures 158 feet North to South as far as the margin of the drain. The iron sheet latrine beyond this limit measures 4 ft 10 in in breadth. From the above it will be seen that the iron sheet verandah in question does not extend beyond 5 feet over the street.

(Signed) M. M. Ramalinga Chetti
Secretary

(True Copy)
(Signed)
Secretary

(True Copy)

Srinivasachar
For Collector
21.4.99

Madura
22-4-99

Enclosure No. 5 to Madura Collector's Roc No. $\frac{2684}{\text{Genl}}$ of 98 d, 22-4-99.

Copy of communication No Roc $\frac{2684}{\text{Genl}}$ of 99 dated 6th March 1899 from the Collector of Madura to the Chairman Municipal Council Madura.

With reference to your letter No 363 dated 25th February 1899, I have the honour to state that I understand the Secretary's report as to measurement to mean that he included the drain as part of the private property of the house owner and that the projection beyond this point over the road is 4 feet 10 inches.

2. The drain is public property. The total width of the pandal from the house wall must be reported so that steps may be taken to modify the Council's order.

Srinivasachari
For Collector
21.4.99

True Copy

Madura
22-4-99

3
1126/M/99

Enclosure No 6 to Madura Collector's letter Roc $\frac{2684}{genl}$ of 29 ; 22-4-29.

Copy of communication No 758 dated 13th April 1929 from the Chairman Municipal Council Madura – to the Collector of Madura.

Adverting to your Roc No $\frac{2684}{genl}$ dated 6th March 1929 I have the honour to state that the width of the pandal from the house in all is 7 feet.

Srinivasachar
For Collector
21-4-29

Madura }
22-4-29 }

1/1126/M/99

Ref on Cur No. 2684/Genl of 98.

Madura District Collector's Office,
Dated 22nd April 1899.

From
T. G. D. Partridge, Esquire
Collector of the
Madura District,

LOCAL & MUNICIPAL DEPT.
No. 1126 M

To
The Secretary to Government,
Local & Municipal Department,
Madras.

Sir,

The Chairman, Municipal Council, Madura, addressed a letter to Government through the Collector, no 36/23.9.98 (vide copy of the letter enclosed) in which he stated that Municipal Councillor, M R Ry P. N. Muthusamy Iyer applied to him for permission to erect in front of his house a Governor's thatti with Zinc sheets instead of Cocoanut leaves as generally used; that the permission was granted with the sanction of the Municipal Council; that another Councillor, M R Ry, R. Muthusami Pillai also applied

applied for similar sanction which was accorded by him (Chairman), that, as in both these cases, the thatties were made to rest on stone posts planted on Municipal ground, and not on posts fitted as he thought, while granting the permission, to the wall of the applicants' houses; he felt doubtful if he acted properly in granting the permission.

2. As this question had to be decided with reference to section 169 of the District Municipalities Act, I asked the Chairman if the provisions of that section had been fully complied with. In his reply to this reference, the Chairman said that the conditions of section 169 were fulfilled only in the case of the thatti put up by Muthusamy Iyer and that in the other case, the width covered by the thatti was 6 ft 4 ins from the line of frontage.

3. It was then pointed out to the

Chairman

Chairman that there was no objection in the case of the former and that as to the latter it was objectionable and the Council before which the subject was not placed before, should, if it be now brought before the meeting, refuse to grant the sanction. He was also asked to state if under these circumstances he wished his reference to Government to be forwarded. The Chairman thereupon wrote that his reference to Government need not be forwarded and that the Council sanctioned the grant of permission to Muthusami Pillai for putting up the Governor's thatti (vide copy of the Municipal Council Proceedings put up).

4. As it appeared to me that the Council had acted in contravention of section 169 in according

sanction

sanction in this case, I called for the reports referring to the actual width of the thatti from the house-wall. Copies of the reports of the Sanitary Inspector and the Secretary with this Office reference thereon No. Roc $\frac{2604}{genl}$ of 99, dated 6th March 1899, to the Chairman and his reply are enclosed. It will be seen from these papers that the thatti put up by Muthusamy Pillai has extended beyond the prescribed limit of 5 feet from the line of frontage.

5. I have the honor to request therefore, that the Government will be pleased to order the cancelment of the Council's resolution, No. $\frac{450}{1\text{-}2\text{-}99}$ referred to above as it is quite objectionable to allow thatties being put up without strictly enforcing the rules and that the person to whom permission was given appears to claim the drain as his own by a sale deed

and

and wants permission to erect the Patty within 5 ft from the limit of the land claimed by him and not from his frontage.

I have the honor to be

Sir

Your most obedient servant

Srinivasachar

For Collector.

21.4.99

DCJ
26

ME

Local & Munl. (1899) Department.

CURRENT No. 2559 M

From

The Collector of
Madura.

Order

Roc No. 2146/9f of 99

Dated 27. September 99.

Received 29 SEP. 1899

Registered —— " ——

Enclosures One.

Spare copies nil.

SUBJECT.

Forwarding a sketch — showing the position of the Governor's Thatti put up by M.R.Ry. Muthuswami Pillai Avl a councillor of the Madura Municipality.

K.R.
6/10

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

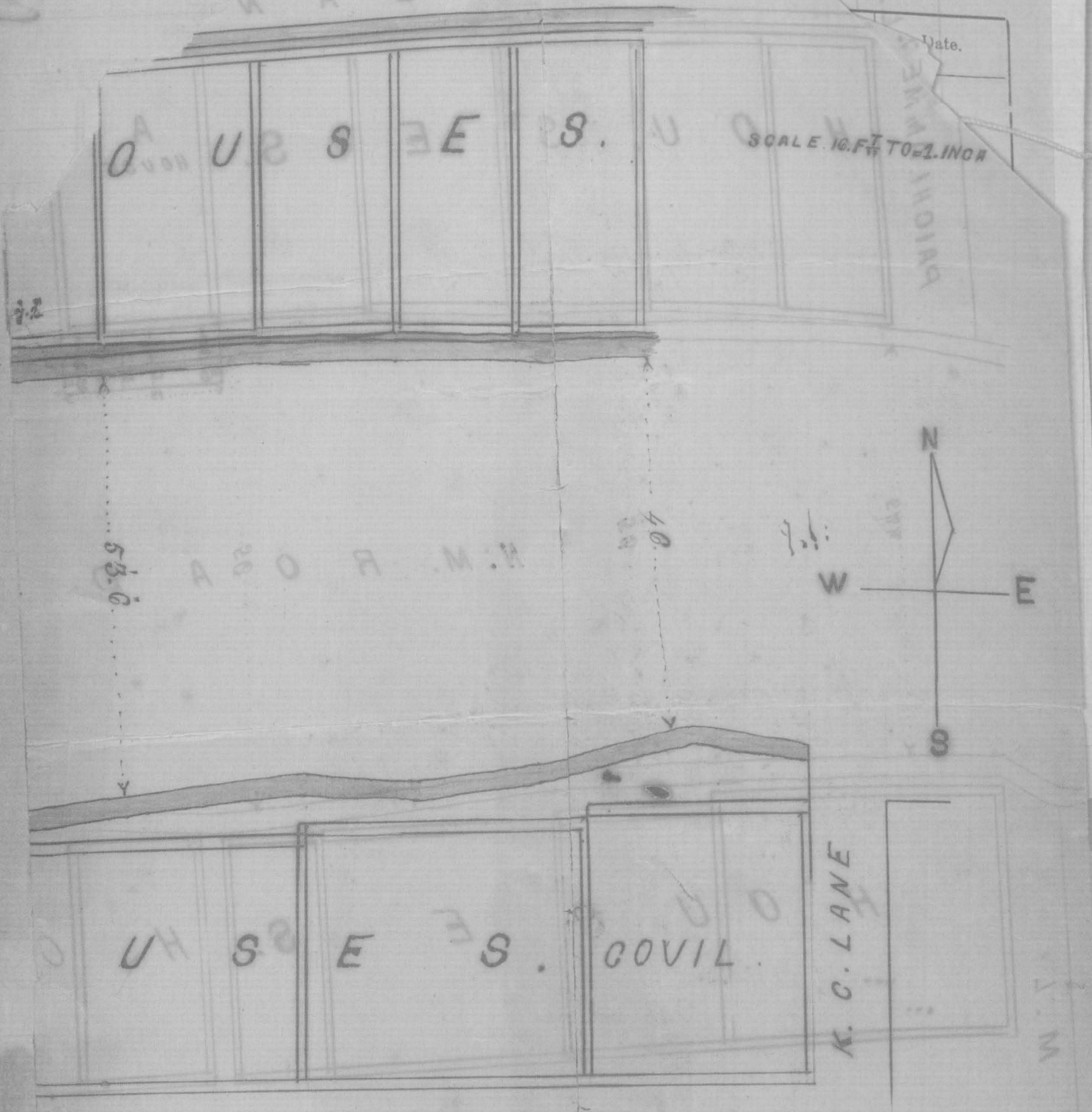
G.O.	No.	Department.	Date.

L OFFICE
8 AUG 1889
MADURA

nt.

PERS.

Date.



NOTE

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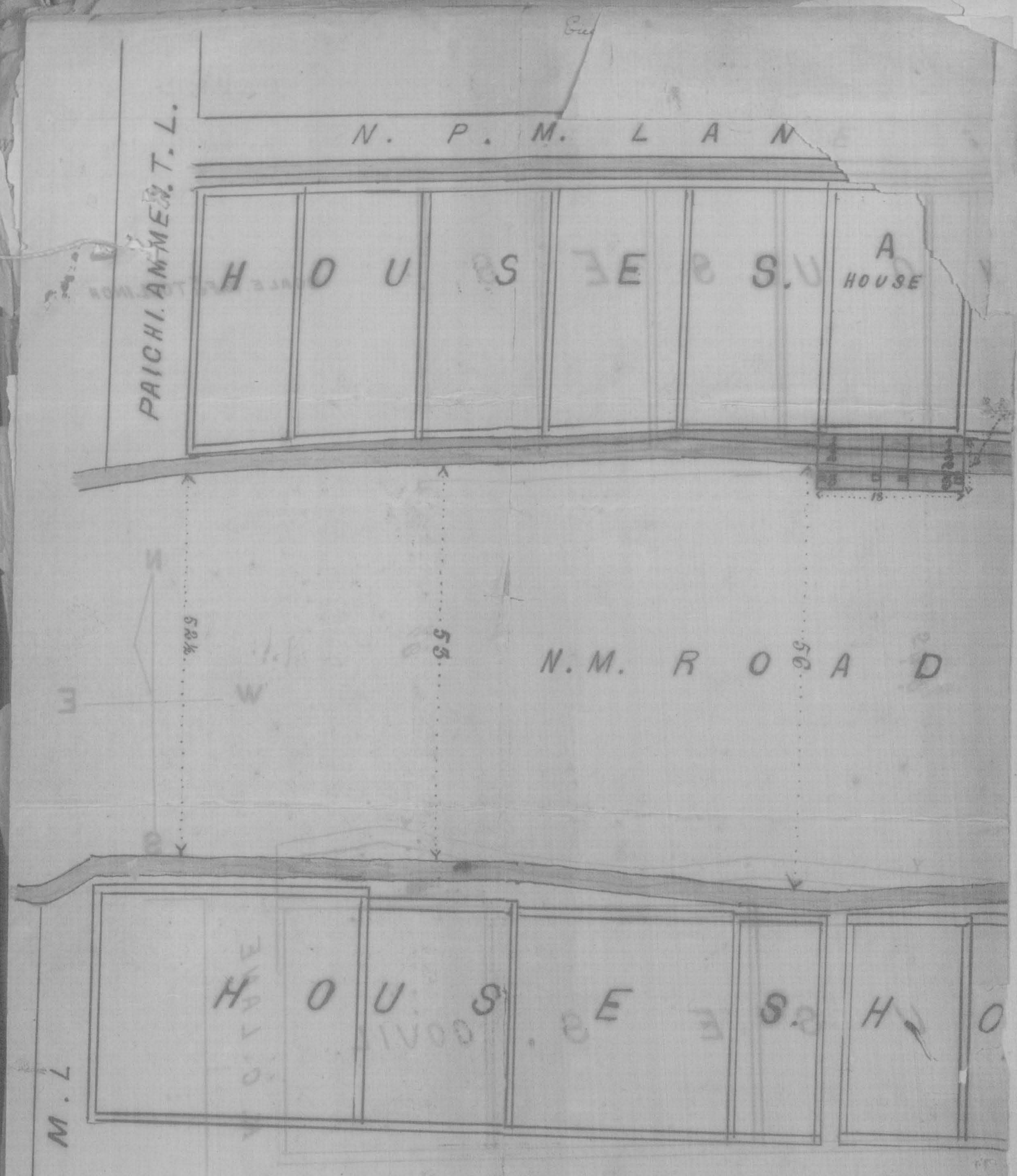
H. MOHA[illegible] D ISHAUQ
26.7.
OVERSEER
M. M.



P.S.

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AND NO. 3. 3.1
TOTAL BREDTH 7.2

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by M

1
2559/m/99

Madura

DISTRICT COLLECTOR'S O

Dated

THE COLLECTOR OF THE

District,

To

THE SECRETARY TO GOVERNMENT,

DEPARTMENT,

Madras.

Dated
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ENCLOSURES.

SUBJECT.

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