[L. & M. 4,000—8-4-99.]

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 1618 M

DATED 1-11-99

DESPATCHED

[Despatch Abstract.]

Munl Council

Informing the Collector of Coimbatore
withdrawing that the election of M.R.Ry. A. Rangaswami
Aiyangar as a Member of the Erode —
is invalid and requesting the Chairman
of the Erode — to arrange to hold a fresh
election for filling up the vacancy

vide

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. (1899) Department.

CURRENT No. 2552 M

Cos. 2552+ 2603 M/99

Misc

Order No 1618 Issues 1-11-99 30-10-99

As M.R.Ry A. Rangaswami Aiyangar was an Honorary magistrate on the date of election and was thus not qualified to be a Candidate, his election was invalid. Nor does the Government Consider that any exemption which may be granted now under Section 10-A (1) (d) of the Act, can have retrospective effect so as to validate the election. The election will accordingly be set aside and the Chairman is requested to arrange to hold a fresh election for filling up the vacancy.

2. For the same reason, Saiyid Alauddin Sahib will be removed from the municipal Council of Erode under Section 19 (1) (i) of the act.

V.R. 18/10/99

From

The Collectorof Coimbatore.

D.Dis., No. 2737-Rev, '99.

Dated 21st September, 99.

Received 28 SEP 1899

Registered 5-5-99

Enclosures (O n e)

Spare copies

SUBJECT.

Municipal Election.

Reporting on the - - - - - - - -

held in Erode on 2-9-99.

To The Collector of Coimbatore

Forwarded 7/11/99 Copy

K

BACK PAPERS.

G.O.	No.	Department.	Date.
	1205 mis	22	8-97
	695 mis	3	8-97
	1255 m	2	9-97
	641 m	8	5-97
	248 m	22	2-97
	1953 m	19	11-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

NOTIFICATION.

IN exercise of the power conferred by Section 14 of the Madras District Municipalities Act, 1884, the Right Honourable the Governor in Council is pleased to appoint to be the Chairman of the Municipal Council of the Municipality of

K. Ala-ud-din Sahib Bahadur, a Municipal Councillor of the Municipality of Erode, not having been at the time of his appointment qualified to be appointed a Municipal Councillor under Section 10. A of the Madras District Municipalities Act IV of 1884 as amended by Act II of 1897, H.E. the Governor in Council hereby removes him from that office under Section 19(1)(i) of the Act.

Municipal.

Ord 2552/11

Gazette Part I. A

Copy of letter from the Sub-Collector of Coimbatore D.Dis. No.1257-Rev of 1899 dated 19th September, '99 to the Collector of Coimbatore.

With reference to your endorsement on Petn No. 1659-Re of 99 dated 6th September, 99 I have the honour to report that A. Rungasami Iyengar is as a fact an Honorary Bench Magistrate & as such he is apparently precluded from election as a Municipal Councillor under Section 10 (a) (i) (d) of Act IV of 1884 seeing that no special exemption was obtained in his case from the Governor-in-Council. In your letter R.O.Petn No. 984-Rev of '99 dated 30th June '99 you refused to accept his nomination on a previous occassion on this ground.

2. A. Rungasami Iyengar has now written to me resigning his appointment as a Bench Magistrate in case he cannot retain both appointments. The only course seems to be therefore to cancel the election & hold another after Rungasami Iyengar ceases to be an Honorary Magistrate or after obtaining exemption. I enclose the letter of resignation & recommend that under the circumstances a special exemption be obtained. Only one other memeber of the Council is a Bench Magistrate.

3. The fact that Rungasami Iyengar's uncle holds an appointment under the Council, if true, does not appear to preclude his being a memeber. I hear goos reports of him.

(True Copy)

AG COLLECTOR.

Coimbatore DISTRICT COLLECTOR'S OFFICE,

D.Dis., No. 2767-Rev, '99. *Dated* 21st September, 1899.

FROM C. H. M[illegible]sey., Esq., I. C. S.,

COLLECTOR OF THE Coimbatore *District*,

LOCAL & MUNICIPAL DEPT
CURRENT No. 25529m

To

THE SECRETARY TO GOVERNMENT,

Local & Municipal DEPARTMENT,

Madras.

SIR,

Under rule 36 of the Rules for the conduct of elections in Municipalities by wards, I have the honour to state that at an election held in the Erode Municipality M. R. Ry. Rungasami Iyengar was duly elected by a majority of 53 votes. M. R. Ry D. S. Krishna Rau has appealed against the election on the ground that M. R. Ry Rungasami Aiyengar was Honorary Magistrate for the Municipal Town.

2. Rule 6 (b) says that all such persons are disqualified for election unless the Governor in Council exempts them from the disqualification. It seems to me that there is no objection under the wording of the rule for the Governor in Council to now exempt M.R.Ry Rungasami Iyengar but as I have some doubt on the point I refer the matter.

3. I may here mention that at the last election, Allauddin Sahib was elected & the fact of his also being an Honorary Magistrate was not brought to my notice & he was in due course gazetted. If a subsequent exemption will hold good I request that he may be exempted. The number of Honorary Magistrates is seven; under these circumstances I do not see that it is necessary to insist on M. R. Ry Rungasami Iyengar resigning his post as Honorary Magistrate.

I enclose a copy of the Sub-Collector's report to whom the objection petition was referred under rule 35 of the Rules.

I

5th aug 99

1/2552/m/99.

I have the honour to be,

Sir,

Your most obedient servant,

V Mooney

AC COLLECTOR.

Local & Munl. (1897) Department.

CURRENT No. 2603 M

From

D. S. Krishnaiu
Pleader, Erode.

Order

No.

Dated 1-10-97

Received 5-10-97

Registered 6-10-97

Enclosures nil

Spare copies "

SUBJECT.

Praying that for reasons stated the election of one Rangaswami Aiyangar as a member of the Erode Muni. Council may be disapproved.

BACK PAPERS 8

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

L P M

To,

His Excellency the Right Honorable
The Governor in Council
Fort Saint George.

LOCAL & MUNICIPAL DEPT
CURRENT No. 2603 M

Petition amended.

May it please your Excellency in Council.

The memorialist undersigned most respectfully begs leave to represent the following for favour of kind consideration

GOVERNMENT OF MADRAS CHIEF SECRETARY 3 OCT 1899

1. That in virtue of Act IV of 1884 as amended by Act III of 1897 the System of Electing municipal Councillors was introduced into the Erode municipality.

2. That when the first chance was offered the memorialist was the only recognised Candidate whose name was represented to the Govt. there with a remark that his nomination was received late by a few days; in consequence of which it was not approved, and the vacancy was filled up by nomination as usual.

3. That when the next vacancy was to be filled as being open for Election, memorialist was one of the Candidates; in the said Election One Rangasamy Aruzagu was returned by a majority

4. It is respectfully submitted that the said Election in favour of Rangasamy Aruzagu is liable to be rejected as being opposed to the Spirit of the Enactment & the rules framed on the subject.

5. Section 10, & 10A(1) clauses (d) & (g) & (2) apply to the Case, the Said Rangasamy Aruzagu being a young man, to an honorary magistrate as will for this town. It is significant that the one recommended for being Exempted from the disq

The Collector of the District (Mr. Mowsey) was not pleased to approve of such recommendation a few months ago. Other instances are not wanting in which the disqualification is made good in the case of candidates, decidedly superior in all respects to the aforesaid Rengasamy Ayengar on whose behalf the election has been forwarded for being approved.

6. That the Spirit of the Enactment of the Rules Exemplified by the rules framed under the subject clause (6) in rule 6, published in Fort St. George Gazette dated 29th Nov 1898, read with the proviso attached to the said rule no 6, distinctly goes to establish that honorary magistrates who have not secured Exemptions from Govt. in this behalf previously to the nomination under rule 16, are disqualified for Election. In the particular case of Rengasamy Ayengar suddenly no such Exemption was secured before hand but also only a few months back recommendations having been submitted by the Sub Collector in favour of the said individual the Collector of the District had thought fit to add to such recommendations. Nor could it even be said that the present position is in any way better. The disqualification as such stroked at the very root of the nomination of the said Rengasamy Ayengar as a valid Candidate.

7. Nor could the irregularity be construed as one that can be overlooked at this stage; in as much as Rule 12 clearly makes mention of cases in which irregularities could be passed over. and the case like the present does not find a place therein.

8 In addition, the merits of the said Rengasamy Ayengar as an Employee under the Municipal Council (which he has not been elected.

9. The nomination of the said Rengasamy Ayengar is unlawful in law, and his election ultra vires In such circumstances it behoves your Excellency in Council to disapprove of the election of the aforesaid individual & reject his nomination as a Municipal Councillor according

I. to. Eq. D.J. Rengasamy Ayengar

When given for copying ____
When copied ____
When examined ____
When signed 3/4
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.
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