L. & M.
5000—6-4-99.

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 1645 M

DATED 7-11-99

[Despatch Abstract.]

Munl Council

Ordering with remarks, that the election of M.R.Ry. V. Ananda Rao as Chairman of the Ongole —— be ratified.

BACK PAPERS.

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

FURTHER PAPERS.

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

-tion of M. R. Ry. V. Ananda Rao as Chairman of the

Current No. 2161 M, 2231 M, 2384 M & 2385 M

Mis

Order No 1645 M mis of 7 11 99

The Government sees no reason to remove M. R. Ry. V. Ananda Rao from the Municipal Council of Ongole. ~~and~~ The usual notification regarding his election as Chairman will therefore be published in the Fort Saint George Gazette.

To

The Collector of Nellore
Chairman M. C. Ongole

2. The papers read above contain serious reflections on the Conduct of M. R. Ry. D. Markandeya Sastri. But the Government ~~does not~~ consider that there are not sufficient grounds for removing him from the Munic Council and trusts that there will be no occasion to ta

excep

ception to his conduct in future.

(From orders)

V.R.
4/11/99

The Government see no reason to remove M.R.Ry. V. Ananda Rao from the Municipal Council of Ongole and the usual notification regarding his election as Chairman will therefore be published in the Fort Saint George Gazette.

2. The papers read above contain serious reflections on the conduct of M.R.Ry. S. Ranka-raya Sastri. But the Government do not consider that there are sufficient grounds for removing him from the Municipal Council and there will be no occasion to take

To

The Collector of Nellore, with papers returned.
Chairman, M.C. Ongole.

Gazetted 7/11/99

Despd. 8/11/99

L. & M.
25
250—28-9-98.

C. Nos. 2161 M, 2231 M, 2384 M and 2385 M.

SUBJECT.

Election of M.R.Ry. V. Ananda Rao as Chairman of the Ongole Municipality

FOR ORDERS.

The office of Chairman of the Ongole Municipality having fallen vacant on the 31st March 1899 by the expiry of the term of M.R.Ry. K. Lakshminarasimha Rao, the Municipal Council elected M.R.Ry. V. Ananda Rao for the place and the Collector requested in his first letter read above that the election might be notified in the Fort Saint George Gazette. But at about the same time a petition* was received from M.R.Ry. G. Ranganatha Aiyar, a Municipal Councillor of Ongole, stating that he had sent in a petition through the Sub-Collector and the Collector of Nellore praying for the removal of M.R.Rys. V. Ananda Rao and D. Markandeya Sastri from the Muni[illegible]

* Current No. 2231 M.

-ception to his conduct in

Municipal Council of Ongole, and requesting that the publication of the election of M. R. Ry. V. Ananda Rao as Chairman might be postponed pending receipt of the latter petition. The papers were then accordingly ordered to lie over. With the third current read above, the Collector forwards with his comments the petition of G. Ramanatha Aiyar requesting that M. R. Rys. V. Ananda Rao and D. Markandeya Sastri might be removed from the Municipal Council of Ongole.

2. The allegations made by the Petitioner and the Collector's remarks thereon are dealt with below:—

A. Allegations against M. R. Ry. V. Ananda Rao.

Para. 1. of the Petition

1st Charge. M. R. Ry. V. Ananda Rao was the Chairman of the Municipality for about seven years up to 25th March 1895 and has afterwards continued to be a Municipal Councillor. Owing to personal differences among the Councillors, the public works sanctioned for 1894-95 were not executed within that year. The Council therefore resolved on the 23rd March 1895 that the works left unexecuted should be executed departmentally by the Chairman,

---

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5 While finding that the charge of making a false report to Govt. in regard to the condition of roads [illegible]

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M. R. Ry. V. Ananda Rao. The latter, having took no action for four months, at the [illegible] period he asked the Council to allow him an imprest of Rs 200 for carrying out the works, but the Council sanctioned a sum of only Rs 100. No work was actually commenced until September 1895 and the Govt. in para. 4 (1) J. of their order No. 1467 M, dated 13th September 1895, reviewing the administration report of the Municipality for 1894-95 remarked on the unsatisfactory condition of the roads in the town, ordered that the money that had lapsed should be spent upon them at once and directed the Chairman to report to Govt. on the 1st January 1896 what action had been taken in the matter and in what state the roads were at that time. The works were [illegible] executed under the supervision of the Chairman, who once or twice in the beginning left in the memoranda in the office stating that the money already drawn had been s[illegible]

Para. 2. of the Petition

[illegible] more money was [illegible] which [illegible]

brothers, Balaji Singh and Narayan [illegible] when [illegible]

a Chairman to the

While finding that the charges [illegible]

a [illegible] in respect [illegible]

and were prosecuted by the Municipal Council, M. R. Ry. Ananda Rao allowed himself to be examined as a witness for the defence and helped the encroachers, not only in the Council but also outside it. The prosecution, however, resulted in a conviction, but it having been set aside on appeal on account of an informality in serving the notice under Sec 168, the encroachers claimed ~~[illegible]~~ from the Council Rs [illegible], as damages said to have been sustained by them on account of the prosecution, which they characterized as malicious. M. R. Ry. Ananda Rao and D. Venkaya Sastri were most instrumental in bringing about the resolution *No. 270, dated 19th November 1898, by which the [illegible] awarded in full the damages claimed. The resolution is significant as embodying a confession on the part of the Council that it was actuated by malice in instituting criminal prosecution. Mr MacIver, the then Sub-Collector, considered the resolution so scandalous that he had it cancelled within a week after it was passed. This [illegible] Resolution No. 266 dated 19th November [illegible] the works left [illegible], are such as to [illegible] departmentally [illegible] into Contempt

Para. 7 of the Petition

*L

Para. 7 of the Petition

do do

Hag. R

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Contempt and ridicule.

The Collector states that Resolution No. 270, dated 19th November 1898 illustrates well the factious spirit prevailing in the Council and observes that the Councillors, instead of displaying a calm & impartial attitude became active partisans which is most improper. In Resolution No. 266, dated 19th November 1898, the Council refused to approve the action of the Chairman M.R.Ry. K. Lakshminarasimha Rao, in having issued orders to stop the work of constructing a shed for contagious diseases, for want of funds, and directed that the work should be proceeded with. The Collector states that this resolution was justified, as there were no funds to carry out the work and it was therefore immediately cancelled and he agreed with the Petitioner that such resolutions tend to bring the Municipal administration into contempt. It is however, not stated what bearing Resolution No. 266 has on the conduct of M.R.Ry. Ananda Rao.

Para. 11. of his letter N

R

B. Allegations against M. R. Ry. D. Venkaya Sastri.

1st Charge. This gentleman owns a [illegible] a Chairman to the

Para. 8 of the Petition

-ost of which are situated in the most important and busy parts of the town, but as a rule he withholds payment of taxes on them to the very end of the year. Collection of taxes from him was felt so irksome and vexatious that Muhammad Raza Khan Sahib Bahadur, the then Sub Collector instituted an enquiry in 1893 and submitted a report to Govt., which thereupon reprimanded him ~~[illegible] M.R.Ry. Markandeya Sastri~~ and reserved further action to be taken at the time of his re-appointment. M.R.Ry. Markandeya Sastri would not allow bills to be served on him in time under section 102 of the Municipal Act for fear of [illegible] towards realization. Service of process on him was considered so difficult that last year Mr. Mac Iver, the Sub Collector, advised the Chairman to send the bills by a registered letter, which was done accordingly. The whole history of this gentleman indicates determination to delay, if not to avoid where possible, the payment of taxes to the Municipality.

-ecuted a Petition [illegible] that

Vide G.O. 545 M
27-4-94 S

Para. 8 of the Petition

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S

that ~~the conduct~~ of M.R.Ry. Markandeya Sastri was reprimanded by Govt., ~~has~~ evidently refers to the correspondence ending with G.O. No. 545 M, dated 27th April 1894, in para 4 of which the following remarks appear:—

"The Chairman in his letter then "goes on to state that some of the "Councillors are themselves most dilatory "in the payment of Municipal taxes "and seek to take advantage of their "position by overawing the bill collect- "whom they thus seek to compel to "seek assistance from the Chairman "himself in order to collect the "Municipal dues. The Collector's re- "port unquestionably confirms this "allegation and the Government cannot "but describe the conduct of certain "of the Councillors, particularly "that of M.R.Ry. D. Markandeya Sastri "as most discreditable."

Para. 9 of the Petition

2nd Charge. One Gunaji Koudadi encroached upon a public street by building a house thereon, but could not be made to remove the encroachment for a number of years, M.R.Ry. Marka-

Sa

and

11. Rea

a Chairman to the

Sastri opposing every measure proposed to be taken by the Council in the matter. The encroacher was at last prosecuted before the Bench Magistrates, of whom M. R. Ry. Markandeya Sastri was one; but the latter withdrew himself from the enquiry on the ground that he had some interest in the matter. Similarly four other Bench Magistrates, of whom two were Municipal Councillors, absented themselves on some pretext or other. The Presiding Magistrate was of opinion that the absence of the above gentlemen was due to a clique amongst them in favour of the accused and the Sub-Divisional Magistrate also considered that there was a cloud of Suspicion hanging over the Conduct of Some of under Section 10 of the Municipal [illegible] them.

Para. 9 of the Petition

It is not stated what sort of interest M. R. Ry Markandeya Sastri had in the matter, which necessitated his withdrawal from the enquiry and it is not therefore possible to say whether the excuse given by him for his absence is reasonable or not.

[illegible] Petition [illegible] that

Para. 10 of the Petition

3rd Charge. During the Dasarah of 1893 when the Muhammadans and the Hindus were very near committing a serious riot, M. R. Ry Markandeya Sastri is believed to have taken an unjustifiable part, tending to accelerate the ~~fight~~ quarrel between the two Communities. If this be a fact, the continuance in office of such a Councillor is dangerous to the public peace or order and is likely to bring the Municipal administration into contempt.

Para. 15 of his letter T

The Collector states that M. R. Ry Markandeya Sastri was reported by the Police Inspector to have been one of the ringleaders on the occasion, but that no other evidence appears on record to prove that this was so. It is observed that no disturbance actually broke out, though one was considered imminent.

0.

Para. 11 of the Petition

4th Charge. M. R. Ry. Markandeya Sastri has been interested in allowing the Municipal market, which was built ten years ago at a cost of Rs 2000, to be neglected miserably, because if it were used, there would be no demand for his godowns. All attempts to put the market in use were op red and

11. Rea a Chairman to the

and consequently several shopkeepers who could not be persuaded to go to the market easily had to be prosecuted and convicted. A fish-seller, named Mastan, who is supposed to have support in M.R.Ry. Ananda Rao and Markandeya Sastri, is, however, still persistent and has been flooding the Council with his applications for a license to revive his private market. In his endorsement on the budget estimate of the Municipality for 1894-95, the SubCollector remarked that the decline of the Municipal market was due mainly to want of agreement among the Municipal Councillors and also to some of the Councillors and their relatives being the owners of the godowns in the town. It is believed that M. R. Ry. Markandeya Sastri is one among those referred to by the Sub Collector.

G.O. 385 M / 28-3-54 V

The market has been brought into working order only since the year 1897x-98 and the income from it during the last two years was Rs 97 and Rs 210, respectively. The Collector states that this was due to the efforts of the late Chairman, M.R.Ry. K. Lakshminarasimha Ra

x Vide para. 3 (3) of G.O. 10-11 M / 25-8-98 C

Para 16. of Collr's letter T

near the, [illegible] that

G.O. 385 M / 28-3-54 V.

The SubCollector in his endorsement on the budget estimate of the Municipality for 1894-95 did not specify the Councillors whom he considered to have been instrumental in bringing about a decline of the Municipal market and it is not known whether M. R. Ry. Markandeya Sastri was one of the persons referred to by him.

Para. 2. of his letter

3. The Collector states that the Petitioner was an unsuccessful candidate at the election held recently for the office of Chairman and that he seems to be a partisan of the faction of M. R. Ry. K. Lakshminarasimha Rao, the late Chairman, whose conduct in connection with the lease of tolls and cart-stand fees in the Municipality recently provoked the strong censure of Govt. Vide G.O. No. 985 M, dated 13th July 1899.

W.

He considers that no case has been made out for removing M. R. Ry Ananda Rao from the Municipal Council and that the latter, although he has not shown himself to be a very capable Chairman, may be allowed another

Para 12 of Collr's letter.

July/99

11. Rea a Chairman to the

another chance of showing his capacity, as he has been elected by a very large majority of votes and as the only other alternative is for the Sub Collector to be made Chairman – a measure which, the Collector says, is not called for under the circumstances. As regards M. R. Ry. Markandeya Sastri, the Collector observes that the papers now submitted contain serious reflections on his conduct. As, however, most of the acts ascribed to him happened long ago and as action under Section 19 is very exceptional and should only be taken in flagrant cases, the Collector thinks that it will be sufficient on this occasion to warn M. R. Ry. Markandeya Sastri very seriously that if his conduct does not improve, the question of removing him from the Municipal Council will have to be considered.

Para. 18 of his letter.

Say rather that Govt. trusts that there will be no occasion to take exception to his conduct in future.
AA

It is submitted that the recommendations made by the Collector may be adopted.

AA.

4. M. R. Ry. Markandeya Sastri was elected as a Municipal Councillor of Ongole at an election held on the 11th May 1899 and the Petitioner questions

Para. 12 of the petition

that

the validity of his election on the ground that at the time of his nomination as a candidate he was an Honorary Magistrate for the Municipal town and requests that he may be removed from the Municipal Council under Section 19 (1) (i) of the District Municipalities Act, as his election has been already notified in the Fort St. George Gazette. It is, however, observed that M. R. Ry. Markandeya Sastri sent in his resignation of his seat on the Bench on the 16th February 1899, that

Para. 17 of Collr's letter.

~~the~~ the list of nominations for candidates under rule 16 of the rules for the conduct of elections by the town as a whole

X. (issued in G.O. No. 1950 M., dated 19th November 1898) was published on the 15th April 1899, and that a notification announcing the withdrawal of his powers as a Special Magistrate appeared in the Fort Saint George Gazette of the 2nd May 1899. So that, although M. R. Ry. Markandeya Sastri was disqualified on the date of his nomination, yet the disqualification did not exist on the date of his election. The Petitioner argues that under the Proviso to Rule 5 of the Election

11. Rea … a Chairman to the

10

16

Election rules, disqualification at the time of election nomination is as bad as disqualification at the time of election. But it has to be observed that under Rule 33 (b) the validity of an election can be questioned only if the successful candidate was disqualified on the day of election and ~~Thus as M.R.Ry Markandeya Sastri was qualified on the day of election, it does not appear that his election can~~ while under section 19(1)(i) of the Act a Municipal Councillor can be removed only if he was not qualified to be a Municipal Councillor, at the time of his appointment. As at time of his appointment, ie, on the day of his election, M.R.Ry Markandeya Sastri was qualified to be a Municipal Councillor, it is submitted that he cannot be removed from the Council under section 19(1)(i) of the Act.

V.R.
18/10/99

MA 30.10.99

NOTIFICATION.

~~The Right Honorable~~ His Excellency the Governor in Council approves, under Section 14 of the Madras District Municipalities Act, 1884, of the appointment by election of M.R.Ry V. Ananda Rao avl. to be the Chairman of the Municipal Council of the Municipality of Ongole.

11. Rea

Municipal

Cur. 2161 M

Part I A 9

the Fort St George

Gazette

6/11/9

Local & Munl. (1899) Department.

CURRENT No. 2161 M

Desp

From The Collector of Nellore

N/
9ms
Order

The usual notification will be published in the Fort Saint George Gazette

2. It is presumed that no petitions questioning the validity of the Election under No. 8 of the rules for the election of Chairmen issued in G. O. No. 214 M. dated 7th March 1888, have been received. This information should be invariably furnished in future.

K.

KR
17-8-99

ade
19/8/99

To The Collector of Nellore.
Gazette

No. 1181/Eng of 99

Dated 8th August 1899.

Spd 10

Received 12 AUG. 1899

Registered

Enclosures (one)

Spare copies nil

SUBJECT.

Requesting that the name of M.R.Ry. V. Ananda Rao Pantulu Garu who has recently been elected as Chairman of the Ongole Municipality, may be published in the Fort St. George zette.

11. Rea

BACK PAPERS.

G.O.	No.	Department.	Date.
1471	M of	98	
65	M of	98	
1249	Mis of	27-7-98	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Minutes of the Proceedings of the Municipal Council, Ongole, passed at a meeting held on Thursday the 27th July 1899 at 7-30 A.M. in the Municipal Office.

Present

1 M. Ghose Esqr I.C.S., Ex. Officio Chairman ✓
2 Professor L. E. Martin, Councillor ✓
3 Revd J. E. Clough D.D. ✓
4 M.R.Ry. V. Ananda Rao Pantulu Garu " ✓
5 " D. Markandeya Sastri Garu ✓
6 " S. V. Subbarayudu Garu "
7 " S. Hanumantha Rao Garu " ✓
8 " G. Ramanatha Aiyer Averghal " ✓
9 " Ahamed Hussain Sahib Garu " ✓
10 " P. Ramanujayya Setti Garu " ✓
11 " G. Pitchayya Setti Garu " ✓
12 " Ch. Venkatadri Setti Garu " ✓
13 " V. Veeraswami Naidu Garu " ✓
14 " T. Jalayya Setti Garu ✓
15 " P. Pitchayya Pantulu Garu "

11. Rea … a Chairman to the

The result of the election is as follows:—

M.R.Ry. V. Ananda Rao Garu 10 votes

" G. Ramanatha Aiyar Averghal 3 "

M.R.Ry. V. Ananda Rao Garu having secured the absolute majority is elected Chairman.

(True copy)

Municipal Office } (Sd) M. Ghose
Ongole, 27th July 1899 } Ex. Officio Chairman

(True copy)

Collector.

10.8.99

NELLORE COLLECTOR'S OFFICE,
DATED 8th August 1899.

No. 1181/Eng

From C. M. Mullaly Esquire
Collector of Nellore.

NICIPAL DEPT.
No. 2161 M

To the Secretary to Government
Local and Municipal Department, Madras.

Sir,

The office of the Chairman of the Municipal Council, Ongole, having fallen vacant by the expiry of the term of M.R.Ry. L. K. Narasimha Rao as Councillor on the 31st March 1899, a special meeting of the Council was held on the 27th July last at which M.R.Ry. V. Ananda Rao Puntulu Garu was elected Chairman as he has secured the absolute majority of votes. A copy of the Proceedings of the Council is enclosed. I have therefore the honour to request that the name of M.R.Ry. V. Ananda Rao Puntulu Garu may be published in the Fort St. George Gaze

Viz ten out of a total strength of sixteen

I have the honour to be,
Sir,
your most obedient servant,

Collector.

10-8-99

10-8-99

Local & Munl. (1899) Department.

CURRENT No. 2231 M

From G. Ramanadha Aiyar
Municipal Councillor
Ongole.

No.

~~**Order**~~ Note for the Assistant Secretary

May not the publication of the election of M.R.Ry V. Ananda Rao as Chairman be postponed as requested by the Petitioner, pending receipt of his petition, which has been submitted thro' the Sub Collector & the Collector?

yes
21/8/99

Dated 18th August 1899
Received 22nd
Registered
Enclosures nil
Spare copies

SUBJECT.

Requesting that the election of Mr. Ananda Rao as Chairman of the Ongole Munl. Council may not be gazetted until the petition objecting to the election has been disposed of.

the same

BACK PAPERS

G.O.	No.	Department.	Date.
664	mis of 93	Go 985	mis of 99
565	mis of 94		
1487	mis of 95	Curr	2384 & 85 of 99
1249	mis of 96		
582	mis of 96		
1917	mis of 98		
1157	mis of 96		
645	mis of 99		
783	mis of 99		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Ongole.

Dated 18th August 1899.

From

G. Ramanadha Iyer,
Municipal Councillor,
Ongole.

LOCAL & MUNICIPAL DEPT.
CURR NT No. 2231 M

To

The Secretary to Government
Local & Municipal Department,
Madras.

Sir,

I have the honor to represent that I presented a report (in manuscript) dated 10th August 1899 to the Sub-Collector, Nellore, for transmission to Government, praying for removal of Messrs V. Ananda Rao and D. Markandeya Sastri from the Municipal Council, Ongole, for the reasons stated in the said report.

2 I enclose herein three printed

copies

copies of the report to facilitate its perusal by Government.

3. One of the Councillors, Mr. V. Ananda Rao was elected as Chairman on 27th July 1899, but it is not yet approved and published in the Fort St. George Gazette.

4. I request that the Government may be pleased to consider whether it is not desirable, on the strength of the allegations supported by public records and the opinion of the Divisional Officers referred to therein, to put off Gazette publication pending the receipt of the report with the remarks of the Sub-Collector and its disposal.

5. I request further that the Government may be pleased to order in time the Superintendent

Government

Government Press to defer the publication until further orders from Government.

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

Municipal Councillor,
Ongole.

Urgent

From

G. Ramanatha Iyer,
Municipal Councillor,
Ongole.

To

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

Dated 18th August 1899
Despd. 18th August 1899
Recd. 22 AUG 1899
Enclosures. Three (as per Packet Post).

Subject

Requesting to consider whether Gazette publication of Mr. Ananda Rao's election as Chairman, Ongole Municipality may not be deferred pending disposal of objections.

ONGOLE,
10th August 1899.

From

G. Ramanatha Aiyer,
Municipal Councillor,
ONGOLE.

To

The Secretary to Government
Local and Municipal Department,
MADRAS.

Through the Sub-Collector, Nellore.

Sir,

I have the honor to bring to the notice of Government the following lines relating to the conduct of two Councillors, named below, of this Municipality in respect of the Municipal Administration.

Mr. V. Ananda Row:—This gentleman had been the Chairman of the Municipality for about 7 years ending with 25th March 1896, whence he continued to be a Councillor. On account of the personal differences among the Councillors noticed by Government, the gentleman under reference being the central figure, the Public Works sanctioned for 1894–95 were not executed during the year. Hence on 23rd March 1895 the Council resolved that the works left unexecuted should be executed by Mr. Ananda Row, the Chairman, departmentally without leaving it to Contractors. But the gentleman seemed to have slept over it for about 4 months. He put in a memo in the Council requesting permission to keep with him Rs. 200 to meet the charges, but the Council thought fit to reduce the amount to Rs. 100 only as the sum that ought to be kept with him at a time. *Vide* Resolution No. $\frac{79}{27-7-95.}$ marked as Exhibit A. He began to make advances about the end of July to Vadders and other people to collect and keep ready materials in places where they were available, but the real work demanding the Chairman's supervision did not commence till September 1895. Consequently the Government in reviewing the Administration Report of the Municipality for 1894–95 noted with displeasure the state of things in the Municipality and called upon the Chairman to make a Report on the subject on 1st January 1896. (*Vide* paragraph 4 Expenditure (1) Public Works of G. O. No. 1487 M., Local and Municipal, dated 13th September 1895 and it is marked as Exhibit B). Flag – I

2. But once or twice in the beginning the Chairman left memos in the office informing that money already drawn was spent and that some more was required to meet the charges. But subsequently he discontinued the system, wholesome as it was, and was drawing monies whenever he pleased and that, without any sort of intimation to the Council which had previously passed the resolution as per Exhibit A. The works were going on under the supervision of the Chairman; and on

30th December 1895, rather earlier than expected, the Chairman submitted the Report called for by Government, by his letter No. $\frac{445}{30-12-95.}$ marked as Exhibit C, wherein he reported that "all the works under reference that were left unexecuted last year and also those that were sanctioned for this year are fully completed now and the whole allotment with the exception of savings made therein by strict and careful supervision duly spent..............They were however completed...............". And on 14th March 1896, *i. e.*, only eleven days before the expiry of his term of office as Councillor and consequently as Chairman, he left in office some account books and refunded Rs. 154-10-11 as the unexpended balance in his hands. From the information I could gather in the office I believe the Council was kept in dark throughout as to the progress made in works or as to the amount of money drawn by the Chairman. Mr. C. L. Narasimha Row who succeeded to the office of Chairman examined the accounts and other papers relating to the execution of works by the gentleman under reference. He then placed a memo in the Council laying two charges against Mr. Ananda Row, *viz.*, (i) that he made a false report to the Government as per Exhibit C and (ii) that he misappropriated Municipal Funds entrusted to him. The Council thereupon passed Resolution No. $\frac{58}{26-6-96}$ marked as Exhibit D. The resolution speaks for itself. He then addressed the letter No. $\frac{188}{30-6-96}$ marked as Exhibit E to Government through the Collector who informed the Chairman that he saw no necessity to forward it (*Vide* Collector's letter No. $\frac{1374}{\text{Eng.}}$ dated 11th August 1896 marked as Exhibit F.)

Ro 142 / 1896

Ro. 1249 m / 1896

3/

3. Having set forth somewhat concisely and in naked form the whole history of the case I leave it to be decided whether Mr. Ananda Row is competent to continue to sit on the Council. In view of the resolution of the Council (Exhibit D) and the opinion of the Collector (Exhibit F) it is not respectable on my part to ask for reconsideration of the first charge. More so, when it is said to have been explained away. But I enclose herein for further information English Translation of extracts from the accounts, signed by Mr. Ananda Row, which go to show that road works as distinguished from buildings and new works continued to be executed till 6th January 1896, *i. e.*, even a week after his report Exhibit C. The extracts are marked as Exhibits G and H.

4. As regards the second charge which relates to misappropriation of trust money I beg leave to submit that the record is abundant enough to establish that charge and breach of trust. That there was an original trust goes without saying, and that Mr. Ananda Row disobeyed the direction of law, *i. e.*, the Resolution of the Council Exhibit A which prescribed the mode in which such trust was to be carried cannot be denied. And above all, the Resolution of the Council (Exhibit D) which recorded its regret and disapproval of the Chairman's action condemned him practically though it exonerated him in words. And E. Scott Esquire, though he did not find sufficient reason to forward it, yet recorded his conviction that Mr. Ananda Row committed several serious irregularities. The following may be called in aid in ascertaining his conduct:—

(*a*) His omission to put in memos when he drew unauthorised sums of money at subsequent stages must be considered to be wilfull and deliberate.

(*b*) He kept larger sums of money when that had been expressly prohibited.

(*c*) According to his successor he was a horrible debtor. (*Vide* letter No. 132 dated 13th June 1896 addressed to Mr. Ananda Row by his successor and marked as Exhibit I. Also clause (*b*) para 5 of Exhibit E.

(*d*) He was not able to refund the balance for a long time after till his term had almost to come to a close.

(*e*) "The accounts were not written at the time at which they purport to have been written."

(*f*) The fact that Mr. Ananda Row was able to expend on several occasions more than the balance in hand will strengthen the suspicion entertained relating to the genuineness of the accounts.

(*g*) It further probabilises the fact that he dealt with the Trust Fund as his own.

I may be excused if I ask whether these circumstances are not strong enough to impute intention to a party and establish a case fit for conviction even in a regular judicial enquiry between a party and a party.

5. The argument contained in clause (*b*) of the last paragraph, *viz.*, that he kept with him unauthorized sums at a time in direct violation of the Resolution of the Council is itself sufficient to constitute a serious misconduct which disqualifies him for the responsibilities of an executive office. No explanation can be suggested to this conduct and no excuse can be pleaded for his having drawn Rs. 100 more each time by cheques Nos. $\frac{114}{6-11-95}$, $\frac{135}{13-12-95}$ and $\frac{137}{26-12-95}$ as he had with him by that time the unexpected balance of Rs. 121, Rs. 120, Rs. 134 respectively, each of which is itself more than the sanctioned amount.

6. Referring to the Resolution of the Council Ex. D I ask whether the Madras District Municipalities Act which is the only enactment that defines the powers and duties of the Council confers on it the powers of adjudicating on the conduct of its Chairman. I beg leave to submit that such a conduct should either form the subject of a judicial enquiry or be taken into consideration by Govt. when it has to form an opinion as to the propriety of appointing or continuing him on the Council. Before I proceed to the next subject of the report I beg leave to state that I adopt, in support of the case above set forth, the various arguments and inferences contained in Chairman's letter Ex. E, so far as they are warranted by the undisputed premises.

7. Two brothers by name Balaji Singh and Narasingbhanu encroached upon a public street by permanently occupying it with their sweat meat shop for about 10 years down to the last month. Notwithstanding several Resolutions of the Council some of which were not strictly executed the trespassers could not be compelled to remove the encroachment. They were finally prosecuted to conviction which was however set aside on appeal on technical ground *i. e.*, for want of proper notice. Mr. Ananda Row helped the trespassers not only in the Council but also outside it, for he allowed himself to be examined as a witness for the defence. The trespassers then gave a notice to the Council claiming Rs. 25 as damages said to have been sustained by them on account of the prosecution which they characterised as malicious. The two gentlemen under reference were most instrumental in bringing about the Resolution No. 270 dated 19th November 1898, marked as Ex. J by which they awarded in full the damages claimed. The Resolution is significant as embodying a confession on the part of the Council that it was

actuated by a malicious motive in instituting criminal prosecution, apart from the pecuniary loss which it would have entailed upon the Municipal Fund. S. W. G. I. Mac Iver Esquire who was then the Sub-Collector is, I think, aware of the fact that the two desperate characters were set up "by those behind them" of whom the two gentlemen under reference, I venture to say, are most prominent. This had exasperated some of the Councillors including the Sub-Collector so much that in a week the latter had the Resolution cancelled by another Resolution No. 281 dated 26th November 1898, marked as Ex. K. I beg leave to refer also to the Resolution No. 266 dated 19th November 1898, marked as Ex. L, as another instance which tended to bring the administration into contempt and redicule. These two contemptible Resolutions Exhibits J and L were considered by S. W. G. I. Mac Iver Esquire so scandalous that they were not allowed to remain long on Municipal record as both were cancelled in one moment by Resolutions marked as Ex. K and M. I enclose herein a copy of the note which the Sub-Collector added to the meeting notice and another addressed to the Chairman marked as Exhibits N and O respectively.

8. *Mr. D. Markondeya Sastri*:—This gentleman is the owner of a number of houses in the Municipality most of which are situated in the most important and busy part of the town. He stands second to none in the amount of taxes paid on Buildings. This gentleman who ought to feel the responsibility most on account of his position as a Councillor and who ought to set a good example to the rate-payers withholds payment of taxes as a rule to the very end of the year. Collection of taxes from him was felt so irksome and vexatious that Mahomed Razakhan Saheb Bahadur Esquire, the then Sub-Collector, instituted enquiry in 1893 and submitted a report to Government which, thereupon, I hear reprimanded his conduct and reserved further action to be taken at the time of his reappointment. But owing to the frequent transfers of Sub-Collectors this was lost sight of, when his nomination was again sent up in the usual course in 1896. He would not allow the bills to be served on him in time under section 102 of the Municipal Act for fear of further action towards realisation. Service of process on him was considered so difficult that last year S. W. G. I. Mac Iver Esquire advised the Chairman to send the bills by a registered letter, which was done accordingly. That officer observed that one who is not willing to pay his taxes to Municipality should not sit on the Council and that his case would be taken into consideration at the time of his reappointment which was then nigh. But the gentleman had left the Sub-Division before that time. Want of promptitude to pay Municipal taxes is common, though not excusable, with poor rate-payers. But in the case of this gentleman, who is the richest inhabitant of the Municipality, the whole history indicates determination to delay, if not to avoid where possible, the payment of taxes to the Municipality.

645 [illegible]
'94

9. There had been a case of encroachment which this gentleman also is associated with. One Gunji Kondadu who built a house in a public street could not be made to pull it down for a number of years. The gentleman in question opposed every measure intended to remove the encroachment. Mr. Ananda Row adopted during his long period of 7 years' administration only indecisive measures and did not remove the encroachment. The matter was taken up subsequently by his successor and the trespasser had to be prosecuted before the Bench Magistrates who were 6 in number including the Sub-Magistrate of the town who was its President. Of the 5 additional Magistrates the gentleman under reference and 2 others were also Municipal Councillors. In what manner those Magistrates and in particular this gentleman forming the subject of this representation behaved in the matter which involves the interest of the Municipality is manifest from the Proceedings of the Presiding Magistrate passed on 23rd March 97 in C. C. No. 29 of 1897 on the file of the Bench and marked as Ex. P. It was therein described for the reasons stated therein "as a *clique*......in favour of the accused". This view was endorsed by the Sub-Divisional Magistrate who observed "that under the circumstances, there seems to be a cloud of suspicion hanging over the Bench Magistrates, especially K. Venkatrangacharlu (*Vide* his Proceedings No. $\frac{1745}{\text{Sub-Col.}}$ dated 26th April 1897 marked as Exhibit Q). It will appear from the Proceedings Mr. Markondeya Sastri withdrew himself after a partial enquiry on the ground that he had some interest in the matter. What the nature of the interest he could possibly have was not explained and could not be conceived. K. Venkatrangacharlu, individualised by the Sub-Divisional Magistrate in Ex. Q was an *alter ego* of Mr. Markondeyasastri.

10. During the Dasara of 1893 Mahomedans and the Hindus were very near fighting and committing a riot of very serious kind. Mr. Markondeya Sastri is believed to have taken an unjustifiable part tending to accelerate the fight between the two communities and I understand the then Sub-Collector reported the conduct of the gentleman under reference to the District Magistrate. I am not in a position to give the nature of the part played by him, nor to state what further action was taken. But I believe his conduct must have been animadverted in most unfavorable terms. I request the Sub-Collector through whom the report passes will be good enough to send up to Government the correspondence on the subject and that, relating to the enquiry into non-payment of taxes. If the correspondence should disclose what it is supposed to contain, the continuance in office of such a Councillor is dangerous to the public peace or order and is likely to bring the administration into contempt.

11. *Market*:—This was built about 10 years ago at an expense of about Rs. 2000. Mr. Ananda Row notwithstanding the repeated instructions from Government did not think that he would be responsible if that was not put in use and made a paying concern to one of the poorest Municipalities in the Presidency. Mr. Markondeyasastry has been interested in allowing it neglected miserably, as otherwise there would be no demand for his godowns. During the time of Mr. Ananda Row's successor all attempts to put the market in use were unsuccessfully opposed and consequently, several shopkeepers who could not be persuaded to go to the market easily had to be prosecuted and convicted. Again Mr. Markondeya Sastri who was opposing the measures in the Council had to sit as a Magistrate on the Bench. A fish seller Mastan by name is supposed to have support in the two gentlemen under reference. Before the Market was brought into use fish sellers in the Municipality used to carry on their sales on a site belonging to this discontented being, who had been enjoying the proceeds of his private Market uninterrupted. He is consequently interested in laying waste the Municipal Market. After a number of prosecutions and convictions all other fish sellers were made to go to the Municipal Market. But Mastan is still persistent. He has been flooding the Council with his applications for licences with a view to revive his Market. In one case he requested that his application might be referred to the two gentlemen under reference which was done. And its disposal is awaited. In connection with the Market scandal the remarks of Mahomed Raza Khan Sahib Bahadur Esquire who was then the Sub-Collector, recorded on the Budget Report of this Municipality for 1895–96, reviewed in G. O. No. 385 M., dated 28th March 1894, are hereunder quoted:—"The decline of the Market was due mainly to want of agreement among the members of the Council and also to some of the Councillors and their relatives being the owners of the godowns in the town." I believe Mr. Markondeya Sastry is one among those referred to by the Sub-Collector.

12. A technical invalidity attaches itself to the appointment as a Councillor which this gentleman holds. He was appointed a Councillor at the elections held on 11th May 1899. The appointment was since gazetted. At the time of his nomination as a candidate he was a Honorary Magistrate for this Municipal town. It is said he had tendered his resignation for that office but it was not accepted till 2nd May. So then his case comes to this *i. e.*, he was Honorary Magistrate at the time of nomination but he was not so at the time of election which proceeded upon the said nomination. And I believe he was not exempted from the disqualification by the Governor-in-Council which is the only authority in which the power is vested. Now the question for determination is whether his appointment by election is valid. In my humble opinion it is invalid under proviso to rule 5 of the Rules framed for the conduct of elections by the town as a whole. According to it disqualification at the time of nomination is as bad as disqualification at the time of election. A case of similar nature from Calicut was proposed to be decided by Government. Unlike that case the appointment of Mr. Markondeya Sastry has been already gazetted. I beg to submit that he is liable to be removed under section 19 (1) (i) of the Municipal Act. (*Vide* G. O. No. 641 M., Local and Municipal dated 2nd May 1899 and the Calicut case referred to therein).

13. I beg to bring my report to its conclusion. A gentleman who is shown to have misappropriated the Municipal funds and committed breach of trust in respect thereof, who encouraged obstinate encroachers to defy the Municipal Administration and gave them the benefit of his evidence and nay recommended an award of compensation of the full amount claimed for what was termed a malicious prosecution by a Municipal corporation is, I humbly submit unfit to sit on the Municipal Council and *a fortiori* so to be its Chairman. The various facts represented in this report against Mr. Ananda Row are sufficient to make out that his appointment as a Chairman or his continuance on the Council even as a Councillor is likely to bring the Municipal Administration into contempt. Nor is the other gentleman Mr. Markondeya Sastry fit to be allowed to continue as a Municipal Councillor, who is shown to have been the cause, with ulterior object, for the scandalous state of the Market, who habitually evades the service of bills and withholds payment till the end of the year and thus sets from the Council a very unwholesome example to the rate-payers of the town, and who is shown to have a character of forming *cliques* or conspiracy throwing down improperly the weight of his influence on the side he has a motive to advocate and whose character has been noticed by the several Sub-Divisional Officers in most unfavorable terms. I beg leave to represent that the continuance of this gentleman on the Municipal Council does not only bring the administration into contempt but is also dangerous to public peace or order.

In conclusion I request that the Government may be pleased to remove the two gentlemen Messrs. V. Ananda Row and D. Markondeya Sastry from the the two gentlemen Messrs. V. Ananda Row and D. Markondeya Sastry from the Municipal Council under section 19 of the Madras District Municipalities Act.

I have the honor to be
Sir,
Your Most Obedient Servant.
G. RAMANATHA AIYAR,
Councillor, Ongole Municipality.

(True Copy)

18 viii 99

Printed by C. Ekambara Guruckal at his Victoria Press:—Nellore. 17—8—99.

Local & Munl. (1899) Department.

CURRENT No. 2384 M

From The Collector of Nellore

Order

No. 1329 / Eng

Dated 1st September 1899
Do 5 — Do
Received 5 SEP. 1899
Registered 6th Sept 99
Enclosures ~~(4)~~ 35
Spare copies

SUBJECT.

Submitting, with remarks, the ~~appeal~~ petition of G. Ramanadha Iyr. municipal Councillor, Ongole.

11/9

the same—

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department	Date.

Local & Munl. (1899) Department.

CURRENT No.

From The Collector of Nellore

Order

Dis No. 1329 B / Eng 9-99

Dated 2nd September 99.

Received 5 SEP 1899

Registered

Enclosures

Spare copies

SUBJECT.

(2) Enclosures to letter No: 1329 B / Eng

11/9

the same—

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G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

List of documents referred to in the Report.

Serial Letter.	Number & Date	Description
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B.	G.O. No 1487 M / 13. 9. 1895	G.O. reviewing the administration report of Ongole Municipality for 1894-95 wherein the Government refers to the bad condition of the roads on account of the personal differences among the Councillors.
C.	No 445 / 30-12. 1895.	The report of Mr. V. Ananda Row to Government stating that all works under reference were completed.
D.	No 58 / 26. 6. 1896.	The resolution of the Council recording its regret and disapproval of Mr. V. Ananda Row's action but exonerating him from the charges for want of dishonest intention.
E.	No 188 / 30-6-1896	Letter by Mr. C. L. Narasimha Row bringing to the notice of Government the conduct of Mr. V. Ananda Row in respect of the execution of the Public Works.
F.	No 1374 Eng / 11-8. 1896	Letter from Collector E. Scott Esq. replying that he saw no necessity to forward the same—

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G & H.	"	Extracts from registers.
I.	No 132/13-6-1896	Letter written to Mr V. Ananda Rao by his successor calling upon him to state the debts he owed in and outside the municipality.
J.	No 270/19.11.1898	Resolution of the council awarding a compensation of Rs 25.
K.	No 281/26-11-98	Resolution cancelling J.
L.	No 266/19-11-98	Resolution that the contagious diseases shed should be constructed though it was pointed out that no funds were available.
M.	No 282/26-11-98	Resolution cancelling L.
N. Has been mislaid & will be submitted separately 21-8	"	Note added by Mr Mac' Iver to the meeting notice.
O. Same received & submitted herewith Will follow. Rec 21.9.99	"	Note addressed by Mr Mac' Iver to the then Chairman referring to wire pullers that brought about the two contemptible resolutions J and L.
P.	C.C. No 29/1897	Proceedings of the Presiding Magistrate exposing the 'clique'.
Q.	No 1745/26.4.97	Proceedings of the Sub-divisional Magistrate endorsing the view taken in P.
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M. Unnamathi[?]

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Ex. A

Extract from the proceedings of the Municipal Council, Ongole, passed at a meeting held on 27th July 1895 in the Municipal office.

× × ×

79. Read memo. by the Chairman requesting sanction of the council to allow him to keep Rs 200 to meet the necessary charges etc for the execution of Public Works departmentally.

A sum of Rs 100 may be kept with the Chairman for the purpose at a time.

× × ×

Municipal Office }
Ongole }
dated 27th July 1895. }

(Sd) V. Ananda Row
Chairman.

(True Copy & extract)

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19
2384 | [illegible]/99

Ex. B

Extract from G. O. No 1487 M. dated 13th September 1895. reviewing the administration report of the Ongole Municipality for 1894, 95.

× × ×

4. Expenditure – (1) Public Works .. × ×

× × × × "The Condition of the town roads cannot be permitted to deteriorate in consequence of personal differences among the councillors, and the Chairman will now see that the money that has lapsed is at once spent upon them, and will report on the 1st January 1896 through the divisional officer and the Collector, what action he has taken on these instructions and in what condition the roads then are.

× × × × × × ×

(True copy & Extract)

10 viii 99

18/2384 (Mn)/99

No 448 Municipal Councillor's office
Dated 30th December 95
Despd do.

From

Ex C. The Chairman, Municipal
Council Ongole,

To

The Chief Secretary to
Government Fort Saint
George, Madras,

Through the Sub Collector, Nellore

Sir, With reference to the report called for in para 4 expenditure (1) Public Works of G.O. No 1487 Mn. Local & Municipal dated 13th Sep. 95 in reviewing the Annual Report of this municipality for the year 1894-95, I have the honour to submit the following for the information of Govt.

1. All the works under reference that were left unexecuted last year and also those that were Sanctioned for this year are fully completed now and the whole allotment with the exception of Savings made therein by Strict & Careful Supervision duly Spent. The Sub Committee

consisting of M. R. Ry ~~A. Seshagiri~~ K. L. Narasimha Row Pantulu Garu & M. R. Ry N. Seshagiri Iyer Avergal having resigned their concern in the matter the business was solely managed under my direct control & supervision under Resolution No 265/23-3-95. The whole business was originally expected to be completed before the end of October last, but for the heavy rains that were raining then the works had to be stopped for some days. Hence the short delay. They were however completed subsequently, I submit here for the consideration of Governments that Mr Marjoribanks, the present executive Engineer of the District and several other officers that happened to see the roads lately had expressed their satisfaction and the condition of the roads under reply. Copies of council's resolution Nos 265/23-3-95 & 160/19-10-95 in which Mr H. A. Stuart & Mr J. P. Bedford the divisional officers were ~~prent~~ present respectively are also herewith forwarded for the information & favourable consideration of Government.

I have the honor to be,
Sir
(Sd) V. Anandarow

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(True copy)

Ex. D

Extract from the proceedings of the Municip
Council, Ongole, passed at a meeting
held on Tuesday the 23rd June 1896 at 7 A.M.
in the Municipal Office.

× × ×

58 Read memo by Chairman delegate
showing that large sums of money
were drawn by M. R. Ry V. Anandarow
Pantulu garu the ex-chairman from
time to time without necessity and
against the resolution of the council an
that these sums were refunded after laps
of about 5 months when the term of the
chairman was about to expire.

Voted by the majority that the charge
in regard to the false report to Governmen
as to the condition of the road works on th
1st January 1896 is not sustained.

Voted by the majority that the
council expresses their regret and
disapproval of the irregularity in rega
to the ex-chairman's drawing a large

Sum of money at one time for the carrying on of the work than was sanctioned by the council, yet in view of the urgency of the work and with the belief that there was no intention to defraud the Municipality or misappropriate the money drawn, the council exonerates the ex-chairman from the charge.

M.R.Ry C. Lakchminarasimha Rao Pantulu Garu dissents from the last two votes of the council and thinks that a written statement should be submitted.

The Majority of the council sees no special reason for a written explanation from the ex-chairman as they are satisfied with the explanation given orally and in person before the Council.

× × ×

Municipal Office }
Ongole }
dated 23rd June 1896 }

(Sd) L. E. Martin
Presiding Councillor.

(Sd) K. L. Narasimha Row
Chairman delegate.

(True copy & Extract)

10 viii 99

11 / 2384 | Mn | 99

From

M.R.Ry K. L. Narasimha Row
Pantulu Garu
Chairman Delegate
Municipal Council
Ongole.

Ex. E

To

The Chief Secretary to Government
Fort Saint George
Madras.

Through

The Deputy Collector
in charge of the Sub Division,
Nellore.

Sir

I have the honor to state that I have placed a memo and other papers (copies of some of which described below are herewith submitted) showing a false report was made by M.R.Ry. V. Ananda Row Pantulu Garu Ex-chairman, to Government about Public works and he drew large sums of money against the resolution of the
A | council and without necessity and the
council summarily passed resolution No $\frac{58}{22-6-96}$, expressing their regret and disapproval of the action of chairman exonerated him from the charges.

2 The withdrawals were discovered by me in course of my inspection of the

Public Works accounts for the preparation of the annual Report of 1895-96. As the question chiefly showed how the Chairman, the executive of the Council dealt with the municipal funds, I made mention to my memo and the § resolution of the council referred in para 1 supra in my draft Report for 1895-96 in ~~[illegible]~~ connection with the Public Works. When the report was placed before the Council in a meeting dated 27th June 1896, the council suggested to me that the matter may be removed from the report. Having removed it I take this opportunity to bring the following facts to the notice of Government before they may be noticed by the auditor.

3 The Chairman in his letter No $\frac{445}{30\text{-}12\text{-}95}$ to Government expressed that the works left unexecuted for 1894-95 and those that were Sanctioned for 1895-96 were completed and the whole allotment was duly spent with the exception of Savings made by strict and careful Supervision Vide para 4 of the Chairman letter to Government, while the accompanying extract from the account shows that the work was continued to be executed till 26th January 1896. Either the report or the account should be false. The council is not justified in thinking that the charge of false report against the Chairman is not sustained.

4 The Council express their regret in regard to a large Sum of money drawn by the chairman at one time only and consider it was drawn in urgency of work. The extract from the accounts will show on 5 occasions consecutively the chairman drew large Sums of money having had already enough of money in hand to meet the expenditure and there was no urgency at any time as expressed by the Council.

5 The next question is whether the Chairman had any intention to misappropriate the funds of Municipality. The following facts may be considered to show what was the motive of the Chairman in drawing the money:—

(a) The Chairman left in the office 4 memos consecutively from time to time in the begining, showing the necessity for withdrawing the money at each time Vide copies of memos left by the chairman. He avoided placing such memos subsequently because he could not express in writting that money was required.

(b) The Chairman having been furnished by me a copy of memos intended to be placed before the council was required by me in a letter to explain the facts which appear against him in the memo and to state the sums of money due by him in & out of the town separately. The Chairman apprehended to explain the facts and to mention his liabilities and abstained from giving any explanation in writing lest it might go against him in a further proceeding. Here I may mention the Chairman is a debtor of some thousands of rupees though he has been discharging a portion of his debts since the question of his appropriating municipal funds came to light

(c) The Chairman had from 25th October to 14th March 1896 continually, sometimes a little less than and at other times much more than Rs 100 in his hand. This sum he must be taken to have appropriated for his own use for nearly 5 months. His term as a councillor expired on the 25th March last and 31st March was the close of the official year. In one case he could not keep the money because he was no more a chairman and councillor and in the other he had to credit the money to the municipality because the question should be explained in the next administration report if the money is not refunded within the close of the year. There is no reason why the Chairman could not have refunded the balance in hand on the 30th December when he reported to Government the works were completed or on the 30th January when he signed the bills.

(d) The Chairman had a sum of Rs 8-0-5 on the 9th September and 13-3-9 on the 11th September 1895 and he expended according to the account on the said dates Rs 17-4-8 for the work done on the 7th 8th & 9th Rs 57-0-8 for the work done on the 10th & 11th respectively of the same month. No account kept by the chairman shows that he paid this money from his pocket or borrowed it elsewhere. How was it possible to pay a larger amount than the balance in hand for a chairman who was cautious to keep with him double the amount of money sanctioned by the Council. Unfortunately the registers were prepared with a view to show the payments made to workmen but not with reference to the balance in hand. I have entertained a serious doubt how these circumstances as stated above could have existed and asked the Public works Maistry to learn if there was any occasion to spend more money than the balance in hand or money was ever advanced or borrowed for the works. The Maistry made a statement in the negative a copy of which is herewith submitted.

(e) The chairman reported to Government on the 30th December 1895 all the works were executed and signed his bills on the 30th January 1896. It is to be regretted that the chairman could not place before the council the bills because he could not make money in time though 7 meetings were held between 30th December & 14th March and 5 meetings between 30th January & 14th March

Appropriated for the

5 months. His term as

(f) From the date the chairman commenced the works till 14th March 1896 when the bills were placed in a meeting, the council had no notice of any work done by the chairman or of any sums drawn or expended by him. No vouchers can be found in the office except registers of the cooly paid to workmen which were in all probability in the exclusive possession of the chairman. All the money drawn was shown under the head of advances and it was secret till last moment.

(g) The registers found in the office of payments made to workmen do not show that they were written at the time at which they purport to have been written. The circumstances stated in para 3 & para 5 supra go to ~~the~~ strengthen the suspicions about the genuineness of these registers. I particularly draw the attention of any officer of Government to whom this report may pass to inspect these records to help them in their remarks on the subject. They do not accompany this report because they may be required by the auditor who is expected here.

(h) The Chairman submitted his budget for 1896-97 on the 18th December 1895. As the expenditure during the past 8 ~~years~~ months of 1895 and probable expenditure of the other 4 months of the year has been shown in the revised estimate column, the Chairman ought to have known the balance of money in his hand on this date. According to the extract of accounts he had Rs 162-1-0 in his hand on the said date and 154-10-11 was refunded by him on the 14th March 1896. Where was the necessity to draw Rs 100 on the 26th December. The expenditure incurred subsequent 18th December is only Rs 107-6-1

6 In para 8 of my memo placed before the Council it appears the Chairman had in his hand Rs 67-10-5 on the 26th October 1895, and Rs 131-9-9 on the 6th November while it appears from the extracts of the accounts the Chairman had Rs 10-0-0 less on each of the above dates. The memo was prepared first with reference to a separate account kept in the office which showed the Sums of money expended on some dates collectively. The extract from the account was prepared with reference to vouchers given by the peon on the dates the payments was made to him. Thus the difference in amounts I explain the sums as it occurs to me though it is immaterial for the points now under consideration

7 copies of papers which accompany this letter are:-

(1) Resolution of the Council No 79/27-7-95 permitting the chairman to keep with him only Rs 100 at a time
(2) Report by Public works maistry dated 16th July 1896 requesting the chairman to draw Rs 100 to meet the charges of Public works for 1895-96.
(3) Memo by the chairman dated 2-8-95 to draw Rs 100.
(4) Memo by the chairman dated 17-8-95
(5) Do — 22-8-95
(6) Letter by the chairman No 445/30-12-95 together with the endorsement of the Sub-Collector and the order of Government thereon.
(7) Memo by chairman delegate showing a false report was made by the chairman and large sums of money were drawn by him without the Sanction of the council.
(8) Letter by chairman delegate to M. R. Ry. V. Ananda Row Pantulu Garu dated 13th June 1896 requesting to explain the facts that appear against him in his memo.

9 Extract from the Public works accounts kept by the Chairman for 1895-96

(10) Resolution of the council no $\frac{58}{23\text{-}6\text{-}96}$ regretting & disapproving the action of Chairman

(11) Statement dated 30-6-96 made by maistry that no sums were advanced or borrowed for works of 1895-96.

(Sd.) K. L. Narasimhan

(True copy
Substantially)

M Annamal[illegible]

10 viii 99

No 1374/Eng dated 11th August 1896

Ex F1

From E. Scott Esquire
Ag. Collector of
Nellore

To
The Chairman
Municipal Council
Ongole

Sir,

With reference to your letter No 188 dated 30th June 1896 to the Chief Secretary to Govt., I have the honour to state that I see no necessity to forward the same to Government in view of the Resolution of the Council No. 58 of 23rd June 1896 with which I concur.

2. There can be no doubt that the late Chairman committed several serious irregularities but there is no sufficient reason to believe that he acted from any dishonest motive, or

with

with any intention to commit fraud. His report to Government which you describe as false, related as he has explained, only to the roadwork which had been actually completed at the time of the report.

I have the honour to be
Sir
Your obedient Servant
P. Seetharamayya
Dy. Collector
for ag. Collector.

(True copy)

M Amwath[illegible]
10 viii 99

14
2384 ml/99

Ex G.

Date & Month	Voucher No.	Names of Coolies	Description of the Work	No. of days
		Previous day's balance		
6-1-96	760	Thondapi Thippiah	Metal work on the Kottapatam road	1
	761	Banka Venkataswamy	Do	Do
	762	Kollaboyana Kotappa	Do	Do
	763	Dasari Kotappa	Do	Do
	764	Kaza Ramayya	Do	Do
	765	Appisetti Kotayya	Do	Do
	766	Chintala Kotadu	Do	Do
	767	Katta Chendrigadu	Do	Do
	768	Karampudi Kotappa	Do	Do
	769	Karampudi Venkatasamy	Do	Do
	770	Vimmaboyana Basavadu	Do	Do
	771	Nimmakayala Ayyamma	Do	1/2
	772	Kota Ramappa	Do	1/2
	773	Pasupulati Kotappa	Do	1/2
	774	Pasupuleti Bangarappa	Do	1/2

For what period	At what rate	Total Amount to be paid	Total amount actually paid	The signature or mark of the Cooly.
			8 4 0	
for 1 day	0 5 0	0 5 0	0 5 0	(Sd) Thondapi Thippiah.
do	0 3 0	0 3 0	0 3 0	Mark of B. Venkataswamy
do	0 3 0	0 3 0	0 3 0	Mark of K. Kotappa
do	0 3 0	0 3 0	0 3 0	Mark of D. Kotappa
do	0 3 0	0 3 0	0 3 0	Mark of K. Ramayya
do	0 3 0	0 3 0	0 3 0	Mark of A Kotayya
do	0 3 0	0 3 0	0 3 0	Mark of C. Kotadu
do	0 3 0	0 3 0	0 3 0	Mark of K. Chendingan
do	0 2 0	0 2 0	0 2 0	Mark of K. Kotappa
do	0 2 0	0 2 0	0 2 0	Mark of K. Venkatasamy
do	0 2 0	0 2 0	0 2 0	Mark of V. Basavadu
do	0 2 0	0 1 0	0 1 0	Mark of K. Ayyamma
do	0 2 0	0 1 0	0 1 0	Mark of K. Ramappa
do	0 2 0	0 1 0	0 1 0	Mark of P. Kotappa
do	0 2 0	0 1 0	0 1 0	Mark of P. Bangarappa

(Translation & Extract)

M L Annamalai
10 viii 99

Ex 84

Date of receipt	Particulars	Amount	Date of expenditure	V No.	Particulars	To which the expenditure belongs.	Contents	per	rate	Amount
1	2	3	4	5	6	7	8	9	10	11
10.12.95	Balance	125 8 2	3.12.95		Pay given to Tippaiah for November 95 on 3.12.95.					5 0 0
	Expenditure	5 0 0								
	Balance	120 8 2	19.12.95		Pay due to Tippaiah from 1st to 10th December 95 (for 10 days).					1 10 8
	Expenditure 19.12.95	1 10 8								
	Balance	118 13 6	6.1.96		Cooly paid for the works done on 6.1.96	Kothapatam road				2 4 0
6.1.96	Expenditure	2 4 0								
		116 9 6								
		17 0 0	Paid to New works buildings							
		133 9 6	This amount refunded on Ref. No $\frac{503}{14-3-96}$							

(True copy & Extract)

M L Annamalai
10 viii 99

No 132 Dated 13-6-96
Desp'd Do.
Enc. 1

Ex I

From

K. Lakshminarasimha Row
Pantulu Garu
Chairman Delegate
Municipal Council, Ongole.

To

V. Anandarow Pantulu Garu
Municipal Councillor
Ongole.

Sir, I have the honor to forward herewith a copy of the memo which I have intended to place before the meeting of the municipal councillors and request you will be good enough to offer any explanation you may please to offer with the least possible delay.

2 As the question of your liabilities will be a matter for consideration, I further request you will be good enough to let me know the sums of money due by you in the town & out of the town.

I have the honor to be
Sir
Your most obedient Servant
(Sd) K. L. Narasimha Row
Chairman Delegate

(True copy)

10 viii 99

Ex. J

Extract from the proceedings of the Municipal Council, Ongole, passed at a meeting held on Saturday the 19th November 1898 at 7 A.M. in the Municipal Office.

× × ×

270. Read petition presented by Narasingabhan of Ongole informing the council that he will sue the municipality if Rs 25, the costs incurred by him in criminal suit No. 54 of 1898 brought against him by the municipality, be not paid within one month from the date of his petition.

Resolved by a majority that Rs 25 be paid as damages. M.R.Ry. G. Ramanadha Aiyer Avergal, Mr. A.B. Colkers and the chairman dissent.

× × ×

Municipal Councillor's Office. Ongole,
Dated 19th Nov. 1898 } (Sd) C. Lukchminarasimha Row
Chairman

(True copy & Extract)

10 viii 99

10/2384 | on/99

Ex. K

Extract from the proceedings of the Municipal Council Ongole, passed at a meeting held on Saturday the 26th November 1898 at 8.30 P.M. in the Municipal office.

× × ×

281. Read memo by Chairman requesting the Council to Cancel its resolution No $\frac{270}{19\text{-}11\text{-}98}$ sanctioning a compensation of Rs 25 to Narasingabhan for the reasons stated therein.

Cancelled

× × ×

Municipal Councillor's Office, Ongole
Dated 26th Nov. 1898
(Sd) C. Lukshminarasimha Rao
Chairman.

(True copy & Extract)

C. Amanath
10 viii 99

9
2364/Aug 99

Ex. L

Extract from the proceedings of the Municipal Council, Ongole, passed at a meeting held on Saturday the 19th November 1898 at 7 A.M. in the Municipal Office.

× × ×

266. Read memo. by Chairman informing the council that he has issued orders to stop the work of Contageous diseases Shed for want of funds and requesting to approve his action until funds are available:

Resolved that the work should be Carried on. Chairman dissents.

× × ×

Municipal Councillor's office, Ongole
Dated 19th Nov. 1898

(Sd) C. Lukchminara-
Simha Row
Chairman

(True copy & Extract)

10 viii 99

8/2384/Jan/99

Ex. M.

Extract from the proceedings of the Municipal Council, Ongole, passed at a meeting held on Saturday the 26th November 1898 at 8.30 P. M in the Municipal Office.

× × ×

282. Read memo by Chairman requesting the council to cancel its resolution No $\frac{266}{19\text{-}11\text{-}98}$ directing the continuance of the construction of the contageous diseases shed, until proper funds are available.

The work will be postponed for the present year

× × ×

Municipal Councillor's Council, Ongole.
Dated 26th Nov. 1898

(Sd) C. Lukshminarasimha Row
Chairman

(True copy & Extract)

Ramanath
10 viii 99

To the Chairman

[illegible]

time to attend the meeting tomorrow but I hope

(will refer to No 10 of the subject for meeting)

that the council will be very careful not

to allow itself to be set at defiance by the

encroacher, or rather by those behind him

and will not give him a further opportunity

to do so by some technical informality in

serving the notice. It seems to me that if the

notice has been presented to the addressees

and they know the contents as appeared

to be the case, there can be no possible

doubt as to the sufficiency of notice given

to them under section 168 as to the fixing

of date for removal of the obstruction, I

think there is no necessity to do anything

more than to give the prescribed period

of 30 days after which the Municipality

can remove the obstruction at its own

convenience. You will however observe

that Section 168 orders notice to be given

to owner or occupier of property in front of

which the obstruction [illegible]

7/2384 | M/88

Ex. O

To the Chairman.

Dear Mr Lakshminarasimha Row,

I am not sure whether I shall have time to attend the meeting tomorrow but I hope (will refer to No. 10 of the subject for meeting) that the council will be very careful not to allow itself to be set at defiance by the encroacher, or rather by those behind him and will not give him a further opportunity to do so by some technical informality in serving the notice. It seems to me that if the notice has been presented to the addressees and they know the contents as appeared to be the case, there can be no possible doubt as to the sufficiency of notice given to them under section 168 as to the fixing of date for removal of the obstruction, I think there is no necessity to do anything more than to give the prescribed period of 30 days after which the Municipality can remove the obstruction at its own convenience. You will however observe that Section 168 orders notice to be given to owner or occupier of property in front of which the obstruction ~~exhist~~ exists and if se or others than the owners of the stall it would be well to serve notice on them as well. I have received a telegraphic reminder from Collector to send on your budget. When will it be ready.

Yours faithfully

(Sd) Mac Iver

Ag. S. Coll.

16-II-99

(True copy)

10 viii 99

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Ex. P

Proceedings of the Presiding Bench Magistrate, Ongole Town, in C.C. No 29 dated 23. 3. 97.

Read the whole record in Bench Calendar Case No 29 of 1897 with the enclosures on the file of the Bench Court.

Read also the memo of objections written and presented by Komanduri Rangacharlu one of the Bench Magistrates.

This is also a case of encroachment for erecting a thatched shed and encroaching upon the municipal ground without Chairman's permission; an offence falling under 167 of the municipal act.

2. This has been hanging on my file for 8th February last and even to this day it remains undisposed of for the reasons that of the five Bench Magistrates, Mr G. Narsimulu Naidu was debarred from the sitting in the court as he was in the council while sanctioning the prosecution,

Mr. Ahmed Hussan Saheb absented himself in the middle of the enquiry, Mr. Nimbherumalla Chetty appeared as a witness in the case, Mr. Dhara Markandeya Sastrulu withdrew himself from the Bench after the enquiry was partly gone through on the ground that he has some interest (not explained) in the case; thus it would appear that the remaining Bench Magistrate Mr. K. Rangacharlu was the only Magistrate who attended the enquiry throughout. The enquiry was closed and the decision only remains to be pronounced and on the 23rd to which it was lastly adjourned for judgment, I asked Mr. Rangacharlu to give his verdict but he declined to do so for the reasons given in his memo herewith subjoined.

3. The question to be determined in the case is a simple one — the evidence for defence all recorded, there is no necessity to reopen the question to enquire into the case de novo. The accused himself never objected to the disposal of the case — the grounds assigned by Mr. Rangacharlu for his refusal are absurd — and his allegation that the evidence was not fully recorded is untrue. From the very irregular attendance of several Bench Magistrates — gradually decreasing in their strength to the lowest minimum of No 1 and even this one declining to give his verdict in the end, will naturally lead anybody to conclude that there must be a clique amongst the Bench Magistrates in favour of the accused.

4. Under these circumstances, I am unable to dispose of this case and have therefore submitted the record as per subjoined index with a request that it may be transferred to the file of another Magistrate for disposal.

(Sd) C. Kristniah
Sub-Magistrate.

23.3.97 }
Ongole }

(True copy)

10 viii 99

Ex. Q

No $\frac{1745}{\text{Sub. Coll.}}$ Dated 26th April 1897

Proceedings of the Sub. Division. Deputy
Magistrate, Nellore.

Read proceedings No. 23 dated 23rd March 1897 passed by the presiding Bench Magistrate of Ongole town.

Read records in C.C. No 29 of 1897 on the Bench file submitted with the above mentioned proceedings which relate to an encroachment by erecting a thatched shed in the Ongole town in the Municipal land without the permission of the Chairman, an offence punishable under section 167 of the Municipal act.

Order.

The presiding Magistrate brings to notice that, of the five Honorary Magistrates of the Bench, Mr G. Narsimulu Naidu was debarred from sitting as he was on the Council which sanctioned the prosecution of the

5
2384 | M/99

accused in the Case, Mr. Ahmed Hussan Saheb absented himself in the middle of the enquiry, Mr. Numberu Malla Chetty appeared as a witness in the Case, Mr Dhara Markandeya Sastrulu withdrew himself on the ground of some interest (unexplained) in the Case and Mr K. Rangacharlu was the only Magistrate who attended the enquiry throughout but this Magistrate declined to give his verdict on absurd and frivolous grounds, and that from the very irregular attendance of the several Bench Magistrates and the gradual decrease in their strength, he considers that there must be a clique among them in favour of the accused and requests that, for the ends of justice, the Case may be transferred to some other Magistrate for disposal.

2. Under the circumstances mentioned in the above there seems to be a cloud of suspicion hanging over the conduct of some of the Bench Magistrates, especially Bench Magistrate Mr. K. Rangacharlu.

3. The Case is withdrawn from the file of the Bench Magistrates, Ongole, and transferred to the file of the Stationary Sub Magistrate, Ongole, for disposal according to law.

4. The records of the Case are herewith sent to him.

(Sd) C. Audikasavulu Naidu
Sub Division Dy. Magistrate
26-4-97

(True Copy)

10 viii 99

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2384 | M | 99

Extract from the remarks of Mahomed Raja Khan Saheb Bahadur Esquire Ag. Sub collector, Nellore, on the budget of the Ongole Municipality for 1894-95 reviewed in G. O. No. 385 M. dated 28th March 1894.

× × × ×

Income from Market:— I generally agree with the remarks of the Chairman under this head, and further consider that the decline of the market was due mainly to want of agreement among the members of the council, and also to some of the councillors and their relations being themselves owners of godowns in the town.

× × × ×

(True Copy & Extract)

10 viii 99

Ongole,
10th August 1899.

From

G. Ramanadha Iyer,
Municipal Councillor,
Ongole.

To

The Secretary to Government
Local & Municipal Department,
Madras.

Through

The Sub Collector,
Nellore.

Sir,

I have the honor to bring to the notice of Government the following ~~four~~ lines relating to the conduct of two councillors, named below, of this Municipality in respect of the Municipal administration.

Mr. V. Ananda Rao:— This gentleman had been the Chairman of the Municipality for about 7 years ending with 25th March 1896, whence he continued to

3/2384/m/99.

ne a councillor. On account of the personal differences among the councillors noticed by Government, the gentleman under reference being the central figure, the Public Works sanctioned for 1894-95 were not executed during the year. Hence on 23-3-95 the Council resolved that the works left unexecuted should be executed by Mr Ananda Rao the Chairman, departmentally without leaving it to contractors. But the gentleman seemed to have slept over it for about 4 months. (~~after~~) He put in a memo in the Council requesting permission to keep with him Rs 200 to meet the charges, but the councillors thought fit to reduce the amount to Rs. 100 only as the sum that ought to be kept with him at a time. — (Vide resolution No $\frac{79}{27-7-95}$ marked as Exhibit A) He began to make advances about the end of July to Vaddars and other people to collect and keep ready materials in places where they were available, but the real works demanding the

the

1157 M / 9-7-96

commence till September 1895. Consequently the Government in reviewing the administration of the Municipality for 1894-95 noted with displeasure the state of things in the Municipality and called upon the Chairman to make a report on the subject on 1st January 1896. (Vide paragraph 4 Expenditure (1) Public Works of G. O. No 1487 M. Local and Municipal, dated 13th September 1895 and it is marked as Exhibit B).

2. But once or twice in the begining the Chairman left memos in the office informing that money already drawn was spent and that some more was required to meet the charges. But subsequently he discontinued the system, wholesome as it was, and was drawing monies whenever he pleased and that, without any sort of intimation to the Council which had previously passed the resolution as per Exhibit A. The works were going on under the supervision

of

1895, rather earlier than expected, the Chairman submitted the report called for by Government, by his letter No $\frac{445}{30-12-95}$ marked as Exhibit C, wherein he reported that "all the works under reference that were left unexecuted last year and also those that were sanctioned for this year are fully completed now and the whole allotment with the exception of savings made therein by strict and careful supervision duly spent x x x. They were however completed x x x." And on 14-3-96 i. e. only 11 days before the expiry of his term of office as councillor and consequently as Chairman, he left in office some account books and refunded Rs 154-10-11 as the unexpended balance in his hands. From the information I could gather in the office I believe the Council was kept in dark throughout as to the progress made in works or as to the amount of money drawn by the Chairman. Mr. Narasimha Roa who succeeded to the office of Chairman examined the accounts and other papers relating to the execution of works by the gentleman under reference. He then placed a memo in the Council laying two charges against Mr. Ananda Roa, Viz. (i) that he made a false report to Government as per Exhibit C and (ii) that he misappropriated municipal funds entrusted to him. The council thereupon passed resolution No 58 dated 26th June 1896, marked as Exhibit D. The resolution speaks for itself. He then addressed the letter No 189 dated 30th June 1896, marked as Exhibit E to Government through the Collector who informed the Chairman that he saw no necessity to forward it. — (Vide Collector's letter No $\frac{1374}{Rev}$ dated 11th August 1896, marked as Exhibit F).

3 Having set forth ~~concisely~~ somewhat concisely and in naked form the whole history of the case, I leave it to be decided whether Mr. Ananda Roa is competent to

Continue

time to sit on the Council. In view of the resolution of the Council, Exhibit D, and the opinion of the Collector, Exhibit F, it is not respectable on my part to ask for reconsideration of the 1st charge. Moreso, when it is said to have been explained away. But I enclose herein for further information English translation of Extracts from the accounts, signed by Mr. Ananda Roa, which go to show that road works as distinguished from Buildings & new works continued to be executed till 6th January 1896, i.e. even a week after his report Exhibit C. The extracts are marked as Exhibits G and H.

4 As regards the second charge which relates to misappropriation of trust money, I beg leave to submit that the record is abundant enough to establish that charge and breach of trust. That there was an original trust goes

without

saying, and that "

disobeyed the direction of law, i.e. the resolution of the Council Exhibit A which prescribed the mode in which such trust was to be carried cannot be denied. And above all, the resolution of the Council, Exhibit D, which recorded its regret and disapproval of the Chairman's action condemned him practically though it exonerated him in words. And E. Scott Esquire though he did not find sufficient reasons to forward it, yet recorded his conviction that Mr. Ananda Roa committed several serious irregularities. The following may be called in aid in ascertaining his conduct:

(a) His omission to put in memos when he drew unauthorized sums of money at subsequent stages must be considered to be wilful and deliberate.

(b) He kept larger sums of money when that had been expressly prohibited.

time According to his successor he was a horrible debtor.—(Vide letter No. 132 dated 13th June 1896 addressed to Mr. Ananda Roa by his successor and marked as Exhibit I. Also clause (b) para 5 of Exhibit E.

(d) He was not able to refund the balance for a long time after, till his term had almost come to a close.

(e) "The accounts were not written at the time at which they purport to have been written".

(f) The fact that Mr. Ananda Roa was able to expend on several occasions more than the balance in hand will strengthen the suspicion entertained relating to the genuineness of the accounts.

(g) It further probabilizes the fact that he dealt with trust fund as his own.

I may be excused if I ask whether

these

These circumstances are not strong enough to impute intention to a party and establish a case fit for conviction even in a regular judicial enquiry between a party and a party.

5 The argument contained in clause (b) of the last paragraph, viz., that he kept with him unauthorized sums at a time in direct violation of the resolution of the Council is itself sufficient to constitute a serious misconduct which disqualifies him for the responsibilities of an executive office. No explanation can be suggested to this conduct and no excuse can be pleaded for his having drawn Rs. 100 more each time by cheques Nos. $\frac{114}{6-11-95}$, $\frac{135}{13-12-95}$ + $\frac{137}{26-12-95}$ as he had with him by that time the unexpected balance of Rs 121, 120, + 134 respectively, each of which is itself more than the sanctioned amount.

6. Referring to the resolution of the Council Exhibit D, I ask whether the Madras District Municipalities Act which is the only enactment that defines the powers and duties of the Council confers on it the powers of adjudicating on the conduct of its Chairman. I beg leave to submit that such a conduct should either form the subject of a Judicial Enquiry or be taken into consideration by Government when it has to form an opinion as to the propriety of appointing or continuing him on the Council. Before I proceed to the next subject of the report I beg leave to state that I adopt, in support of the case above set forth, the various arguments and inferences contained in Chairman's letter Exhibit E, so far as they are warranted by the undisputed premises.

7. Two brothers by name J Balaji Singh and Narasingbhan

encroached

encroached upon a public stre by permanently occupying it with their sweet meat shop for about 10 years down to the last month. Notwithstanding several resolutions of the Council some of which were not strictly executed, the trespassers could not be compelled to remove the encroachment. They were finally prosecuted to conviction, which was however set aside on appeal on technical ground i.e. for want of proper notice. Mr. Ananda Rao helped the trespassers not only in the Council, but also outside it, for he allowed himself to be examined as a witness for the defence. The trespassers then gave a notice to the Council claiming Rs 25 as damages said to have been sustained by them on account of the prosecution which they characterised as malicious. The two gentlemen under reference were most instrumental in bringing about the resolution No. 270 dated 19th November 1898, marked as Exhibit J, by which they awarded

in

in full the damages claimed. The resolution is significant as embodying a confession on the part of the Council that it was actuated by a malicious motive in instituting criminal prosecution, apart from the pecuniary loss which it would have entailed upon the Municipal fund. S. W. G. I. Mac'Iver Esquire who was then the Sub Collector is, I think, aware of the fact that the two desperate characters were set up " by those behind them" of whom the two gentleman under reference are, I venture to say, most prominent. This had exasperated some of the Councillors including the Sub Collector. So much that in a week the latter had the resolution cancelled by another resolution No. 281 dated 26th November 1898 marked as Exhibit K. I beg leave to refer also to the resolution No. 266 dated 19th November 1898, marked as Exhibit L, as another instance which tended to bring the administration

into

into contempt and ridicule. These two contemptable resolutions Exhibits J & L were considered by S. W. G. I. Mac'Iver Esquire so scandalous that they were not allowed to remain long on municipal record, as both were cancelled in one moment by resolutions marked as Exhibits K & M. I enclose herein a copy of note which the Sub Collector added to the meeting notice and another addressed to the Chairman marked as Exhibits N & O respectively.

8. Mr. D. Markandeya Sastri.

This gentleman is the owner of a number of houses in the Municipality most of which are situated in the most important & busy part of the town. He stands second to none in the amount of taxes paid on buildings. This gentleman who ought to feel the responsibility most on account of his posi-in as a councillor, and who ought to set a good example to the rate payers ~~withholds~~ withholds payment of taxes as a rule to the very end of the year. Collection of taxes from him was felt so irksome and vexatious that Mahomed Razakhan Bahadur Sahib Esquire, the then Sub Collector, instituted Enquiry in 1893 and submitted a report to Government which thereupon, I hear, reprimanded his conduct and reserved further action to be taken at the time of his reappointment. But owing to the frequent transfers of Sub Collectors this was lost sight of, when his nomination was again sent up in the usual course in 1896. He would not allow the bills to be served on him in time under section 102 of the Municipal Act for fear of further action towards realization. Service of process on him was considered so difficult that last year S. W. G. I. Mac' Iver Esquire advised the Chairman to send the bills by a registered letter, which was done accordingly. That officer observed that one who is not willing to pay taxes to Municipality should not sit on the Council and that his case would be taken into consideration at the time of his reappointment which was then nigh. But the gentleman had left the Sub Division before that time. Want of promptitude to pay Municipal taxes is common though not excusable with poor rate payers. But in the case of this gentleman who is the richest inhabitant of the Municipality, the whole history indicates determination to delay, if not to avoid where possible, the payment of taxes to the Municipality.

9. There had been a case of Encroachment which this gentleman also is associated with. One Gunji Kondadu who built a house in a public street could not be made to pull it down for a number of years. The gentleman

in question opposed every measure intended to remove the Encroachment.

Mr Ananda Roa adopted during his long period of 7 years' administration only indecisive measures and did not remove the Encroachment. The matter was taken up subsequently by his successor and the trespasser had to be prosecuted before the Bench Magistrates who were 6 in number including the Sub Magistrate of the town who was its President. Of the 5 additional Magistrates the gentleman under reference and 2 others were also Municipal Councillors. In what manner those Magistrates and in particular this gentleman forming the subject of this representation behaved in the matter which involves the interest of the Municipality is manifest from the Proceedings(a) of the Presiding Magistrate passed on 23-3-97 in C. C. No 29 of 1897 on the file of the Bench. It was therein described for

(a) Ex. P.

[illegible] stated therein "as a

clique × × × in favour of the accused".

This view was endorsed by the Sub Divisional Magistrate who observed "that under the circumstances, there seems to be a cloud of suspicion hanging over the Bench Magistrates especially K. Venkataranga Charlus. (Vide his Proceedings No $\frac{1745}{\text{Sub Coll.}}$ dated 26th April 1897 marked as Exhibit Q.

It will appear from the Proceedings Mr Markandeya Sastri withdrew himself after a partial Enquiry on the ground that he had some interest in the matter. What the nature of the interest he could possibly have was not explained and could not be conceived ~~conceived~~". K. Venkataranga Charlus individualised by the Sub Divisional Magistrate in Exhibit Q was an alterego of Mr Markandeya Sastri.

10. During the Dasara of 1893 Mahomedans and the Hindus were very near fighting and committing a riot of very serious kind.

Mr Markandeya Sastri

Mr. Markandeya Sastri is believed to have taken an unjustifiable part tending to accelerate the fight between the two communities, and I understand the then Sub-Collector reported the conduct of the gentleman under reference to the District Magistrate. I am not in a position to give the nature of the part played by him nor to state what further action was taken. But I believe his conduct must have been animadverted in most unfavorable terms. I request the Sub Collector through whom the report passes will be good enough to send up to the Government the correspondence on the subject and that relating to the Enquiry into non-payment of taxes. If the correspondence should disclose what it is supposed to contain, the continuance in office of such a councillor is dangerous to the public peace or order and is

likely

likely to bring the administration into contempt.

11. Market. This was built about 10 years ago at an expense of about Rs 2000. Mr. Ananda Roa, notwithstanding the repeated instructions from the Government, did not think that he would be responsible if that was not put in use and made a paying concern to one of the poorest Municipalities in the Presidency. Mr. Markandeya Sastri has been interested in allowing it neglected miserably as otherwise there would be no demand for his godowns. During the time of Mr. Ananda Roa's successor all attempts to put the market in use were unsuccessfully opposed and consequently several shopkeepers who could not be persuaded to go to the market easily had to be

prosecuted &

and convicted. Again Mr. Markandeya Sastri who was opposing measures in the Council had to sit as a Majestrate on the Bench. A fish seller Mastan by name is supposed to have support in the two gentleman under reference. Before the market was brought into use fish sellers in this Municipality used to carry on their sales on a site belonging to this discontented being who as had been enjoying the proceeds of his private market uninterrupted. He is consequently interested in laying waste the Municipal market. After a number of prosecutions & convictions all other fish sellers were made to go to the Municipal market. But Mastan is still persistent. He has been flooding the Council with his applications for license with a view to revive his market.

In

In one case he requested that his application might be referred to the two gentlemen under reference which was done and its disposal is awaited. In connection with the market scandal the remarks of Mahamed Raza Khan Saheb Bahadoor Esquire who was then the Sub Collector, recorded on the budget report of this Municipality for 1895-96, reviewed in G. O. No. 385 Mu dated 28th March 1894, are hereunder quoted:—

"The decline of the market
"~~is~~ was due mainly to want of
"agreement among the mem-
"bers of the Council and
"also to some of the Coun-
"cillors and their relatives
"being the owners of the godown
"~~of~~ in the town."

I believe Mr. Markandeya Sastry

Sastry is one of those referred to by the Sub Collector.

12. A technical invalidity attaches itself to the appointment as a Councillor which this gentleman holds. He was appointed a Councillor at the elections held on 11th May 1899. The appointment was since gazetted. At the time of his nomination as a candidate he was honorary magistrate of this Municipal town. It is said he had tendered his resignation for that office but it was not accepted till 2nd May. So then his case comes to this. He was honorary Magistrate at the time of nomination, but he was not so at the time of

elections

elections which proceeded upon the said nomination. And I believe he was not exempted from the disqualification by the Governor in Council which is the only authority in which the power is vested. Now the question for determination is: whether his appointment by election is under the circumstances valid. In my humble opinion it is invalid under proviso to rule 5 of the rules framed for the conduct of elections by the town as a whole. According to it, disqualification at the time of nomination is as bad as disqualification at the time of election. A case of similar nature from Calicut

was

was proposed to be decided by Government. Unlike that case the appointment of Mr. Markandeyasastri having been already gazetted, I beg to submit that he is liable to be removed under section 19(1)(i) of the Madras District Municipalities Act. Vide G. O. No. 641 M. Local and Municipal, dated 8th May 1899 and the Calicut Case referred to therein.

13. I beg to bring my report to ~~its~~ its Conclusion. A gentleman who is shown to have misappropriated the Municipal funds and Committed breach of trust in respect thereof, who encouraged obstinate encroachers to defy the Municipal administration and gave them the benefit of his evidence, and nay, recommended an award of Compensation of the full amount claimed for what was termed a malicious prosecution by a Municipal Corporation is, I humbly submit, unfit to sit on the Municipal Council and a fortiori so to be its Chairman. The various facts represented in this report against Mr. Anandarau are sufficient to make out that his appointment as a Chairman or his continuance on the Council even as a Councillor is likely to bring the administration into contempt.

14. Nor is the other gentleman Mr. Markandeyasastry fit to be allowed to Continue as a Councillor, who is shown to have been the cause, with ulterior object, for the

the scandalous state of the market, who habitually evades the service of bills and withholds payment till the very end of the year and thus sets from the Council a very unwholesome example to the rate payers in the town and who is shown to have a character of forming cliques or Conspiracies throwing down improperly the weight of his influence (on the side he has a motive to advocate,) and whose character has been noticed by the several Sub Divisional officers in most unfavourable terms, I beg leave to represent that the continuance of this gentleman on the Municipal Council does not only bring the administration into contempt but is dangerous to public peace or order.

In

In Conclusion, I request that the Government may be pleased to remove the two gentlemen Messrs V. Ananda Rau and D. Markandeya Sastri from the Municipal Council under section 19 of the Madras District Municipalities Act.

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

G. R[illegible]
Councillor,
Ongole Municipality

From Current $\frac{1237}{subor}$ of 99
G. Ramanadha aiyer
Municipal councillor
Ongole

To The Secretary
to the Govt. of Madras,
Local and Municipal
department,
through
The Sub Collector, Nellore,

Dated.

Despatched. 12 AUG 1899

Received.

Enclosures.

Subject

Bringing to the notice of the Govt. the conduct of Messers. V. Ananda Rao and D. Markandayasastry, Municipal Councillors, Ongole, in respect of Municipal administration and requesting their removal from the council under Sec 19 of the Madras District Municipalities Act.

Cur $\frac{1078}{Exy}$ of 99

COLLECTOR
NELLORE
23 8 99

Dr Desp'd. 21-8-99.

Submitted through the Collector of Nellore with the records in this office referred to by M.R.Ry. Ramanathayyar Garu.

I believe the late Chairman's letter to Government on the alleged misappropriation of municipal funds is sufficiently clear and the records now submitted from this office contain very serious reflections on the conduct of M.R.Ry. Markandaya Shastri Garu as a Municipal Councillor.

I have no personal experience of M.R.Ry. Ananda Rao Garu's administration but my predecessor's opinions are contained in these papers.

Ag. Sub Collector

Podili
21.8.99

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2384 | m | 99

ONGOLE,
10th August 1899.

From

G. Ramanatha Aiyer,
Municipal Councillor,
ONGOLE.

To

The Secretary to Government
Local and Municipal Department,
MADRAS.

Through the Sub-Collector, Nellore.

Sir,

I have the honor to bring to the notice of Government the following lines relating to the conduct of two Councillors, named below, of this Municipality in respect of the Municipal Administration.

Mr. V. Ananda Row:—This gentleman had been the Chairman of the
Municipality for about 7 years ending with 25th March 1896, whence he continued
to be a Councillor. On account of the personal differences among the Councillors
noticed by Government, the gentleman under reference being the central figure, the
Public Works sanctioned for 1894–95 were not executed during the year. Hence
on 23rd March 1895 the Council resolved that the works left unexecuted should be
executed by Mr. Ananda Row, the Chairman, departmentally without leaving it to
Contractors. But the gentleman seemed to have slept over it for about 4 months.
He put in a memo in the Council requesting permission to keep with him Rs. 200
to meet the charges, but the Council thought fit to reduce the amount to Rs. 100
only as the sum that ought to be kept with him at a time. *Vide* Resolution
No. $\frac{79}{27-7-95.}$ marked as Exhibit A. He began to make advances about the end of
July to Vadders and other people to collect and keep ready materials in places
where they were available, but the real work demanding the Chairman's supervision
did not commence till September 1895. Consequently the Government in review-
ing the Administration Report of the Municipality for 1894–95 noted with dis-
pleasure the state of things in the Municipality and called upon the Chairman
to make a Report on the subject on 1st January 1896. (*Vide* paragraph 4 Expendi-
ture (1) Public Works of G. O. No. 1487 M., Local and Municipal, dated 13th Sep-
tember 1895 and it is marked as Exhibit B).

2. But once or twice in the beginning the Chairman left memos in the office
informing that money already drawn was spent and that some more was required
to meet the charges. But subsequently he discontinued the system, wholesome as
it was, and was drawing monies whenever he pleased and that, without any sort of
intimation to the Council which had previously passed the resolution as per Exhi-
bit A. The works were going on under the supervision of the Chairman; and on

30th December 1895, rather earlier than expected, the Chairman submitted the Report called for by Government, by his letter No. $\frac{445}{30-12-95.}$ marked as Exhibit C, wherein he reported that "all the works under reference that were left unexecuted last year and also those that were sanctioned for this year are fully completed now and the whole allotment with the exception of savings made therein by strict and careful supervision duly spent..............They were however completed...............". And on 14th March 1896, *i. e.*, only eleven days before the expiry of his term of office as Councillor and consequently as Chairman, he left in office some account books and refunded Rs. 154-10-11 as the unexpended balance in his hands. From the information I could gather in the office I believe the Council was kept in dark throughout as to the progress made in works or as to the amount of money drawn by the Chairman. Mr. C. L. Narasimha Row who succeeded to the office of Chairman examined the accounts and other papers relating to the execution of works by the gentleman under reference. He then placed a memo in the Council laying two charges against Mr. Ananda Row, *viz.*, (i) that he made a false report to the Government as per Exhibit C and (ii) that he misappropriated Municipal Funds entrusted to him. The Council thereupon passed Resolution No. $\frac{58}{26-6-96}$ marked as Exhibit **D**. The resolution speaks for itself. He then addressed the letter No. $\frac{188}{30-6-96}$ marked as Exhibit E to Government through the Collector who informed the Chairman that he saw no necessity to forward it (*Vide* Collector's letter No. $\frac{1374}{\text{Eng.}}$ dated 11th August 1896 marked as Exhibit F.)

3. Having set forth somewhat concisely and in naked form the whole history of the case I leave it to be decided whether Mr. Ananda Row is competent to continue to sit on the Council. In view of the resolution of the Council (Exhibit D) and the opinion of the Collector (Exhibit F) it is not respectable on my part to ask for reconsideration of the first charge. More so, when it is said to have been explained away. But I enclose herein for further information English Translation of extracts from the accounts, signed by Mr. Ananda Row, which go to show that road works as distinguished from buildings and new works continued to be executed till 6th January 1896, *i. e.*, even a week after his report Exhibit C. The extracts are marked as Exhibits G and H.

4. As regards the second charge which relates to misappropriation of trust money I beg leave to submit that the record is abundant enough to establish that charge and breach of trust. That there was an original trust goes without saying, and that Mr. Ananda Row disobeyed the direction of law, *i. e.*, the Resolution of the Council Exhibit A which prescribed the mode in which such trust was to be carried cannot be denied. And above all, the Resolution of the Council (Exhibit D) which recorded its regret and disapproval of the Chairman's action condemned him practically though it exonerated him in words. And E. Scott Esquire, though he did not find sufficient reason to forward it, yet recorded his conviction that Mr. Ananda Row committed several serious irregularities. The following may be called in aid in ascertaining his conduct:—

(*a*) His omission to put in memos when he drew unauthorised sums of money at subsequent stages must be considered to be wilfull and deliberate.

(*b*) He kept larger sums of money when that had been expressly prohibited.

(*c*) According to his successor he was a horrible debtor. (*Vide* letter No. 132 dated 13th June 1896 addressed to Mr. Ananda Row by his successor and marked as Exhibit I. Also clause (*b*) para 5 of Exhibit E.

(*d*) He was not able to refund the balance for a long time after till his term had almost to come to a close.

(*e*) "The accounts were not written at the time at which they purport to have been written."

(*f*) The fact that Mr. Ananda Row was able to expend on several occasions more than the balance in hand will strengthen the suspicion entertained relating to the genuineness of the accounts.

(*g*) It further probabilises the fact that he dealt with the Trust Fund as his own.

I may be excused if I ask whether these circumstances are not strong enough to impute intention to a party and establish a case fit for conviction even in a regular judicial enquiry between a party and a party.

5. The argument contained in clause (*b*) of the last paragraph, *viz.*, that he kept with him unauthorized sums at a time in direct violation of the Resolution of the Council is itself sufficient to constitute a serious misconduct which disqualifies him for the responsibilities of an executive office. No explanation can be suggested to this conduct and no excuse can be pleaded for his having drawn Rs. 100 more each time by cheques Nos. $\frac{114}{6-11-95}$, $\frac{135}{13-12-95}$ and $\frac{137}{26-12-95}$ as he had with him by that time the unexpected balance of Rs. 121, Rs. 120, Rs. 134 respectively, each of which is itself more than the sanctioned amount.

6. Referring to the Resolution of the Council Ex. D I ask whether the Madras District Municipalities Act which is the only enactment that defines the powers and duties of the Council confers on it the powers of adjudicating on the conduct of its Chairman. I beg leave to submit that such a conduct should either form the subject of a judicial enquiry or be taken into consideration by Govt. when it has to form an opinion as to the propriety of appointing or continuing him on the Council. Before I proceed to the next subject of the report I beg leave to state that I adopt, in support of the case above set forth, the various arguments and inferences contained in Chairman's letter Ex. E, so far as they are warranted by the undisputed premises.

7. Two brothers by name Balaji Singh and Narasingbhanu encroached upon a public street by permanently occupying it with their sweat meat shop for about 10 years down to the last month. Notwithstanding several Resolutions of the Council some of which were not strictly executed the trespassers could not be compelled to remove the encroachment. They were finally prosecuted to conviction which was however set aside on appeal on technical ground *i. e.*, for want of proper notice. Mr. Ananda Row helped the trespassers not only in the Council but also outside it, for he allowed himself to be examined as a witness for the defence. The trespassers then gave a notice to the Council claiming Rs. 25 as damages said to have been sustained by them on account of the prosecution which they characterised as malicious. The two gentlemen under reference were most instrumental in bringing about the Resolution No. 270 dated 19th November 1898, marked as Ex. J by which they awarded in full the damages claimed. The Resolution is significant as embodying a confession on the part of the Council that it was

actuated by a malicious motive in instituting criminal prosecution, apart from the pecuniary loss which it would have entailed upon the Municipal Fund. S. W. G. I. Mac Iver Esquire who was then the Sub-Collector is, I think, aware of the fact that the two desperate characters were set up "by those behind them" of whom the two gentlemen under reference, I venture to say, are most prominent. This had exasperated some of the Councillors including the Sub-Collector so much that in a week the latter had the Resolution cancelled by another Resolution No. 281 dated 26th November 1898, marked as Ex. K. I beg leave to refer also to the Resolution No. 266 dated 19th November 1898, marked as Ex. L, as another instance which tended to bring the administration into contempt and redicule. These two contemptible Resolutions Exhibits J and L were considered by S. W. G. I. Mac Iver Esquire so scandalous that they were not allowed to remain long on Municipal record as both were cancelled in one moment by Resolutions marked as Ex. K and M. I enclose herein a copy of the note which the Sub-Collector added to the meeting notice and another addressed to the Chairman marked as Exhibits N and O respectively.

8. *Mr. D. Markondeya Sastri*:—This gentleman is the owner of a number of houses in the Municipality most of which are situated in the most important and busy part of the town. He stands second to none in the amount of taxes paid on Buildings. This gentleman who ought to feel the responsibility most on account of his position as a Councillor and who ought to set a good example to the rate-payers withholds payment of taxes as a rule to the very end of the year. Collection of taxes from him was felt so irksome and vexatious that Mahomed Razakhan Saheb Bahadur Esquire, the then Sub-Collector, instituted enquiry in 1893 and submitted a report to Government which, thereupon, I hear reprimanded his conduct and reserved further action to be taken at the time of his reappointment. But owing to the frequent transfers of Sub-Collectors this was lost sight of, when his nomination was again sent up in the usual course in 1896. He would not allow the bills to be served on him in time under section 102 of the Municipal Act for fear of further action towards realisation. Service of process on him was considered so difficult that last year S. W. G. I. Mac Iver Esquire advised the Chairman to send the bills by a registered letter, which was done accordingly. That officer observed that one who is not willing to pay his taxes to Municipality should not sit on the Council and that his case would be taken into consideration at the time of his reappointment which was then nigh. But the gentleman had left the Sub-Division before that time. Want of promptitude to pay Municipal taxes is common, though not excusable, with poor rate-payers. But in the case of this gentleman, who is the richest inhabitant of the Municipality, the whole history indicates determination to delay, if not to avoid where possible, the payment of taxes to the Municipality.

9. There had been a case of encroachment which this gentleman also is associated with. One Gunji Kondadu who built a house in a public street could not be made to pull it down for a number of years. The gentleman in question opposed every measure intended to remove the encroachment. Mr. Ananda Row adopted during his long period of 7 years' administration only indecisive measures and did not remove the encroachment. The matter was taken up subsequently by his successor and the trespasser had to be prosecuted before the Bench Magistrates who were 6 in number including the Sub-Magistrate of the town who was its President. Of the 5 additional Magistrates the gentleman under reference and 2 others were also Municipal Councillors. In what manner those Magistrates and in particular this gentleman forming the subject of this representation behaved in the matter which involves the interest of the Municipality is manifest from the Proceedings of the Presiding Magistrate passed on 23rd March 97 in C. C. No. 29 of 1897 on the file of the Bench and marked as Ex. P. It was therein described for the reasons stated therein "as a *clique*......in favour of the accused". This view was endorsed by the Sub-Divisional Magistrate who observed "that under the circumstances, there seems to be a cloud of suspicion hanging over the Bench Magistrates, especially K. Venkatrangacharlu (*Vide* his Proceedings No. $\frac{1745}{\text{Sub-Col.}}$ dated 26th April 1897 marked as Exhibit Q). It will appear from the Proceedings Mr. Markondeya Sastri withdrew himself after a partial enquiry on the ground that he had some interest in the matter. What the nature of the interest he could possibly have was not explained and could not be conceived. K. Venkatrangacharlu, individualised by the Sub-Divisional Magistrate in Ex. Q was an *alter ego* of Mr. Markondeyasastri.

10. During the Dasara of 1893 Mahomedans and the Hindus were very near fighting and committing a riot of very serious kind. Mr. Markondeya Sastri is believed to have taken an unjustifiable part tending to accelerate the fight between the two communities and I understand the then Sub-Collector reported the conduct of the gentleman under reference to the District Magistrate. I am not in a position to give the nature of the part played by him, nor to state what further action was taken. But I believe his conduct must have been animadverted in most unfavorable terms. I request the Sub-Collector through whom the report passes will be good enough to send up to Government the correspondence on the subject and that, relating to the enquiry into non-payment of taxes. If the correspondence should disclose what it is supposed to contain, the continuance in office of such a Councillor is dangerous to the public peace or order and is likely to bring the administration into contempt.

11. *Market*:—This was built about 10 years ago at an expense of about Rs. 2000. Mr. Ananda Row notwithstanding the repeated instructions from Government did not think that he would be responsible if that was not put in use and made a paying concern to one of the poorest Municipalities in the Presidency. Mr. Markondeyasastry has been interested in allowing it neglected miserably, as otherwise there would be no demand for his godowns. During the time of Mr. Ananda Row's successor all attempts to put the market in use were unsuccessfully opposed and consequently, several shopkeepers who could not be persuaded to go to the market easily had to be prosecuted and convicted. Again Mr. Markondeya Sastri who was opposing the measures in the Council had to sit as a Magistrate on the Bench. A fish seller Mastan by name is supposed to have support in the two gentlemen under reference. Before the Market was brought into use fish sellers in the Municipality used to carry on their sales on a site belonging to this discontented being, who had been enjoying the proceeds of his private Market uninterrupted. He is consequently interested in laying waste the Municipal Market. After a number of prosecutions and convictions all other fish sellers were made to go to the Municipal Market. But Mastan is still persistent. He has been flooding the Council with his applications for licences with a view to revive his Market. In one case he requested that his application might be referred to the two gentlemen under reference which was done. And its disposal is awaited. In connection with the Market scandal the remarks of Mahomed Raza Khan Sahib Bahadur Esquire who was then the Sub-Collector, recorded on the Budget Report of this Municipality for 1895–96, reviewed in G. O. No. 385 M., dated 28th March 1894, are hereunder quoted:—"The decline of the Market was due mainly to want of agreement among the members of the Council and also to some of the Councillors and their relatives being the owners of the godowns in the town." I believe Mr. Markondeya Sastry is one among those referred to by the Sub-Collector.

12. A technical invalidity attaches itself to the appointment as a Councillor which this gentleman holds. He was appointed a Councillor at the elections held on 11th May 1899. The appointment was since gazetted. At the time of his nomination as a candidate he was a Honorary Magistrate for this Municipal town. It is said he had tendered his resignation for that office but it was not accepted till 2nd May. So then his case comes to this *i. e.*, he was Honorary Magistrate at the time of nomination but he was not so at the time of election which proceeded upon the said nomination. And I believe he was not exempted from the disqualification by the Governor-in-Council which is the only authority in which the power is vested. Now the question for determination is whether his appointment by election is valid. In my humble opinion it is invalid under proviso to rule 5 of the Rules framed for the conduct of elections by the town as a whole. According to it disqualification at the time of nomination is as bad as disqualification at the time of election. A case of similar nature from Calicut was proposed to be decided by Government. Unlike that case the appointment of Mr. Markondeya Sastry has been already gazetted. I beg to submit that he is liable to be removed under section 19 (1) (i) of the Municipal Act. (*Vide* G. O. No. 641 M., Local and Municipal dated 2nd May 1899 and the Calicut case referred to therein).

13. I beg to bring my report to its conclusion. A gentleman who is shown to
have misappropriated the Municipal funds and committed breach of trust in respect
thereof, who encouraged obstinate encroachers to defy the Municipal Administration
and gave them the benefit of his evidence and nay recommended an award of com-
pensation of the full amount claimed for what was termed a malicious prosecution
by a Municipal corporation is, I humbly submit unfit to sit on the Municipal
Council and *a fortiori* so to be its Chairman. The various facts represented in this
report against Mr. Ananda Row are sufficient to make out that his appointment as a
Chairman or his continuance on the Council even as a Councillor is likely to bring
the Municipal Administration into contempt. Nor is the other gentleman Mr. Mar-
kondeya Sastry fit to be allowed to continue as a Municipal Councillor, who is
shown to have been the cause, with ulterior object, for the scandalous state of the
Market, who habitually evades the service of bills and withholds payment till the
end of the year and thus sets from the Council a very unwholesome example to
the rate-payers of the town, and who is shown to have a character of forming
cliques or conspiracy throwing down improperly the weight of his influence on the
side he has a motive to advocate and whose character has been noticed by the
several Sub-Divisional Officers in most unfavorable terms. I beg leave to repre-
sent that the continuance of this gentleman on the Municipal Council does not
only bring the administration into contempt but is also dangerous to public peace
or order.

In conclusion I request that the Government may be pleased to remove the two gentlemen Messrs. V. Ananda Row and D. Markondeya Sastry from the Municipal Council under section 19 of the Madras District Municipalities Act.

I have the honor to be
Sir,
Your Most Obedient Servant.
G. RAMANATHA AIYAR,
Councillor, Ongole Municipality.

PRINTED BY C. EKAMBARA GURUCKAL AT HIS VICTORIA PRESS:—NELLORE. 17—8—99.

NELLORE COLLECTOR'S OFFICE,
DATED 1st septbr. 1899.

Dw 3 — do

No. 1329/Eng

From C.M. Mullaly Esquire,
Collector of Nellore.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2382 M

To the Secretary to Government Local and Municipal Department, Madras.

Sir,

In continuation of my letter no 1181/Eng dated 8th August 1899, requesting the publication of the name of M.R.Ry. V. Ananda Rau Pantulu Garu, as elected chairman of the Ongole Municipality, I have the honour to submit a petition presented by one G. Ramanadha Iyer, municipal councillor, Ongole against the elected chairman and another councillor D. Markandeya sastri and to report as follows:—

Cno 2161 M

2. V. Ananda Rau and D. Markandeya

Nellore Collector's Office,
Dated 1st septbr. 1899

No. Eng

From C.M. Mullaly Esquire,
Collector of Nellore.

To the Secretary to Government Local and Municipal Department, Madras.

In continuation of my letter no 1181/Eng dated 8th August 1899 requesting the publication of the name of M.R.Ry. V. Ananda Rau Pantulu Garu, as elected chairman of the Ongole Municipality, I have the honour to submit a petition presented by one G. Ramanadha Iyer, municipal councillor, Ongole against the elected chairman and another councillor D. Markandeya sastri and to report as follows:—

2. V. Ananda Rau and D. Markandeya

1/2384/M/99

[illegible] were elected councillors of the Ongole Municipality on the 11th May last and their names were notified in the Fort Saint George Gazette dated 6th June 1899. On the 27th July an election was held for the Office of Chairman for which there were 2 Candidates, V. Ananda Rau and the petitioner, the former obtained 10 and the latter only 3 votes as will be seen from the Copy of the proceedings of the council enclosed in my letter quoted above. The petitioner is a First Grade Pleader and Municipal Councillor, Ongole and seems to be a partisan of the faction of K. L. Narasimhudas, the late chairman whose administration of the tollgate and cartstand contracts of the Ongole municipality recently provoked the strong censure of Government in its proceedings No 985 M. mis, dated 13th July 1899.

3. The factions in the Ongole municipality date back for many years and have formed the subject of much correspondence with Government. The present petition has reference mainly to facts originating with the following remarks of Government in para 4 of G. O. No 1487 M. dated 13th September 1895. "The Revenue Divisional "Officer reports that the roads were not in "good condition and from paragraph 2 "of his endorsement it appears that this "very unsatisfactory state of things is "mainly due to a want of harmony "among the members of the municipal "Council. The council's attention will be "drawn to the remarks of Government "upon this point in paragraph 5 of "the last annual review. The condition "of the town roads cannot be permitted "to deteriorate in consequence of

"personal differences among the Councillors, "and the chairman will now see that the "money that has lapsed is at once spent "upon them and will report on the 1st "January 1896 through the Divisional Officer "and the Collector what action he has "taken on these instructions and in what "condition the roads then are."

4. In order to carry out these instructions, the chairman Ananda Rao, requested the council to allow him an imprest of Rs 200, but the council in a resolution no 79 dated 27th July 1895 sanctioned only Rs 100.

5. Having executed the works to the best of his ability the chairman submitted the report called for on 30th December 1895 in which he stated that "all the "the works under reference that were "left unexecuted last year and also

"those that were sanctioned for this "year are fully completed now and the "whole allotment with the exception of "savings made therein by strict and "careful supervision, duly spent."

6. Shortly after this his term of office ceased and he was succeeded by K. L. Narasimha Rao the leader of the opposite faction who almost immediately framed a formal indictment against Anandarao accusing him of many irregularities and laying the two main charges mentioned in paragraph 2 of the petition, viz:

(1) that he made a false report to Government in his letter no: 445 dated 30th December 1895;

(2) that he misappropriated municipal funds entrusted to him.

7. All these charges were placed before the Council which recorded the following resolution no: 58 on the 23rd June 1896.

"Voted by the majority that the charges in regard to the false report to Government as to the condition of the road works on the 1st January 1896 is not sustained."

"Voted by the majority that the Council expresses their regret and disapproval of the irregularity in regard to the exchairman's drawing a larger sum of money at one time for the carrying of the work than was sanctioned by the Council, yet in view of the urgency of the work and with the belief that there was no intention to defraud the municipality or misappropriate the money drawn, the Council exonerates the exchairman from the charge."

8. The chairman K. Lakshminarasimha Rau being dissatisfied with these resolutions addressed a letter to Government through the Collector. But Mr Scott after obtaining Ananda Rau's explanation deemed it unnecessary to forward the letter to Government in view of the resolution of the Council in which he agreed and remarked as follows:-

"There can be no doubt that the late chairman committed several serious irregularities but there is not sufficient reason to believe that he acted from any dishonest motives or with any intention to commit fraud. His report to Government which you describe as false related as he has explained only to roadworks which had been actually completed at the time of the report."

9. In paragraph 3 the petitioner calls in question the accuracy of this decision stating that "roadworks as distinguished from buildings and new-works continued to be executed till 6th January 1896 ie even a week after his report" and produces extracts of accounts marked as Exhibits G and H to prove his statement. Exhibit G shows a payment of Rs 2-4-0 for work done on 6th January 1896 on the Kottapatam road. Exhibit H shows this item and also an item of Rs 17-0-0 paid to new works, Buildings. It is explained by Ananda Rau that some slight repairs were made on the Kottapatam road, subsequent to the submission of the report owing to the remarks of the Sub Collector

that the "work on the Kottapatam road "here and there was distinctly bad." As regards the expenditure of Rs 17-0-0 on new works, it is stated by Ananda Rau that the report to Government related only to road works and did not refer to other works and payments therefor.

10. In paragraphs 4 and 5 Petitioner repeats charges made in paragraph 2 and makes certain other statements casting reflections on Ananda Rao's character. I do not propose to go into these allegations as they are more or less the same as those which were urged in the indictment of K. L. Narasimha Rao and have been disposed of by the Council and the then Collector.

Dis. no. 1374 Eg.
11/8/1896

11. In paragraph 7 Petitioner

charges Ananda Rau and Markandeya Sasti with having assisted a trespasser on municipal property and having obtained a resolution of the Council awarding compensation for wrongful prosecution. This resolution was at the instance of the Sub Collector cancelled almost immediately vide Exhibit K. This case illustrates well the factious spirit prevailing in the Council; instead of displaying a calm impartial attitude, they became active partisans which is most improper in councillors of such standing. Resolution no: 266 dated 19th number 1898 (Exhibit L) was futile for there were no funds to carry out the work and it was likewise immediately cancelled. I quite agree with Petitioner that such resolutions tend to bring the council into contempt.

12. In paragraph 6 Petitioner

raises the question as to the propriety of appointing or continuing Ananda Rau on the Council. As already stated all the facts except those mentioned in paragraph 7 were disposed of long ago and there is no case for removing him from the Council. As regards the Chairmanship it must be admitted that he has not shown himself to be very capable but he has been elected by a very large majority of votes and may be allowed another chance of showing his capacity, the only other alternative is for the Sub Collector to be made Chairman which I don't consider called for under the circumstances.

13. Paragraphs 8 to 12 relate to Markandeya Sastry.

In Paragraph 8 Petitioner states that though the richest inhabitant of the Municipality his whole history indicates determination to delay, if not to avoid where possible, payment of taxes. In support of this he refers to the events of 1893 and the remarks of Government in its order no: 545 dated 27th April 1894 which were as follows:—

" The chairman in his letter
"then goes on to state that some of
"the Councillors are themselves most
"dilatory in the payment of municipal
"taxes and seek to take advantage of
"their position by overawing the bill-
"collectors whom they thus compel to
"seek assistance from the Chairman
"himself in order to collect the municipal
"dues. The Collector's report unquestionably
"confirms this allegation, and the Government

"cannot but describe the conduct of
"certain of the Councillors particularly
"that of M.R.Ry. D. Markandeya Sastri
"as most discreditable."

Further he adds that service of process on him was considered so difficult last year that bills had to be sent by registered letter on the advice of the Sub Collector Mr. Macdver.

14. In Paragraph 9 it is stated that Markandeya Sastri as a bench magistrate helped an accused before the bench on account of an encroachment. Exhibits P and Q show how the withdrawal of Markandeya Sastri from the bench during the trial of the accused was considered to be suspicious. The natural reply is that he withdrew because he was interested, but this was not considered

Unsatisfactory either by the Sub Magistrate or the Sub Divisional Magistrate who considered there was a clique in favour of the accused.

15. Paragraph 10 states that he took an unjustifiable part on the occasion of an imminent breach of the peace during the Dussara of 1893 in helping Hindus against Muhammadans.

Dis no $\frac{1376}{\text{Mag}}$ dated 21st November 1893 enclosed shows that he was reported to be one of the ringleaders on the occasion by the Police Inspector but no other evidence appears on record to prove that this was so.

16. Paragraph 11 imputes interested motives to Anandadas and Markandeya Sastri in neglecting the market notwithstanding the repeated instructions of Government. The Sub Collector's

endorsement gives the reason for the decline of the market but gives no name nor is it on record exactly how many "godowns" are owned by these two gentlemen but it is manifest that the two interests clash. The particulars of Mastan's case alluded to are not to hand and it seems unnecessary to delay this report to obtain them. It must however be noted that the market has only recently been brought into working order and its income last year was Rs 210 against Rs 97 in the previous year. This was the work of the late Chairman who belongs to the opposite faction.

17. Paragraph 12 questions the validity of the election of

Markandeya Sastri on the ground that his resignation had not been accepted or published before the nomination was made but such technical objection to the validity of the election should be brought within 15 days after the day on which the election was held. It cannot be entertained now after the publication of the names. The facts however are as follows:— He put in his resignation on the 16th February. On the 26th March the Sub Collector was informed that Markandeya Sastri's resignation would be forwarded to Government and that he could stand as a candidate for election as a Councillor at Ongole. On the 30th March Government was addressed requesting that his resignation may be accepted.

The nomination list previous to election was published in the Ongole Municipality on the 15th April 1899, and G.O. no 664 Judl. dated 27th April 1899 accepting the resignation was received on 2nd May and a notification announcing the withdrawal of his powers as a special magistrate appeared in the Gazette of 2nd May 1899. Hence the question arises as to whether the resignation takes effect from the date of receipt of the resignation from Markandeya Sastri or from the date of notification in the Gazette. In the first case the resignation was in ample time. In the second case it is too late to take it into consideration.

18. The Sub Collector in forwarding the petition remarks that the records now submitted

contain very serious reflections on the conduct of M.R.Ry. Markandeya sastri. This is undoubtedly so. He has taken part in factions, has delayed payment of his taxes and apparently behaved badly in connection with the Dasara and the market. Most of these events however happened long ago and he has continued on the Council. Moreover action under section 19 is very exceptional and should only be applied in flagrant cases. Markandeya sastri is a leading citizen of the town but has been badly advised. It would, I think, be sufficient on this occasion to warn him very seriously that if his conduct does not improve the question of his removal will have to be considered.

I have the honor to be
Sir,
your most obedient Servant,
Collector.

Local & Munl. (1899) Department.

CURRENT No. 2385 M

From The Collector of Nellore

Order

No. 1334/Eng

Dated 4th September 1899.
Received 5 SEP 1899
Registered 6th Sept. 99
Enclosures (1)
Spare copies

SUBJECT.

Submitting exhibit N as enclosure to the petition of M.R.Ry. C. Ramanatha Ayyar

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

21/8/99

16 AUG. 1899

Ex N

Memo

A strong body of Councillors in its resolution No $\frac{266}{30\text{-}10\text{-}97}$ directed the removal of encroachment on the road in the Hardinge street by Narasingabhau and his brother Balajisingh and sanctioned their prosecution if they failed to remove it within a prescribed time. The encroachment was not removed. Prosecution was therefore instituted and they were ~~committed~~ convicted and sentenced to pay a fine of Rs 5 each by the Stationary Sub-Magistrate Ongole. This Judgment of the lower court was reversed only on a technical ground. The encroachment was a public nuisance on the highroad and continued unmolested for a number of years. In Cases like these the parties aggrieved are entitled to compensation in judicial tribunals only if the prosecution was instituted maliciously and without reasonable and probable Cause apart from other grounds. [illegible] such imputation can be made against the Municipal council in this Case and in addition the prosecution was instituted in good faith. The Council was not justified in awarding a compensation of Rs25-0-0 in its resolution no $\frac{270}{19-11-98}$ as required by Narasingabhan. It was further also incompetent to sanction such allotments without the previous sanction of Government Vide G.O. No $\frac{1917M.}{15-11-98}$.

The undersigned therefore request to the council to cancel its resolution under Section 30 (6) of the District Municipalities Act.

(Sd) C. Latchuminarasimha Row.

Chairman

24-11-98.

True Copy

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In my capacity as Joint Magistrate it was I who acquitted the owner of the supposed encroachment as stated by the chairman. The acquittal on appeal was founded on technical grounds and no grounds were apparent for finding that the prosecution was malicious or without reasonable cause. If this had not been the case I should have ordered compensation to be paid to the appellant under section 423 ( ) C.P.C. The resolution by which the council convicted themselves appears to require reconsideration and it is hoped that all members will attend so as to ensure the necessary quorum of half the total number of councillors.

(Sd) Mac Iver

Ag. Sub-Collector &

Ex-officio Member.

(True Copy)

10 viii 99

68/99

Nellore Collector's office
dated 4th September 1899.

No: 1334/Eng

From

C. M. Mullaly Esquire,
Collector of Nellore

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2385 M

To

The Secretary to Government
Local and Municipal Department,
Madras.

Sir.

In continuation of this office letter No: 1329/Eng dated the 2nd September 1899, I have the honour to submit herewith exhibit N to the petition of M.R.Ry. G. Ramanadha Aiyar, municipal councillor, Ongole.

I have the honour to be,
Sir.
your most obedient Servant,

Nagannathan,
For Collector.

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ment.

G.O., No. , DATED

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GOVERNMENT.

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IN ORIGINAL.

-zikhanai
899-1900

N.B.—

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