

Local & Munl. (189 9) Department.

MISCELLANEOUS.

G.O., No. 1691 *hr*

DATED 15-11-'99

[Despatch Abstract.]

Petition

Informing Messrs Besh & Co. Negapatam that the Govt cannot comply with their request for a copy of the Advocate General's opinion on which the profession tax levied on them by the Negapatam Municipality was cancelled.

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1899) Department.

CURRENT No. 2880 m

Messrs B & Co come to Govt for redress instead of appealing to the Munl C. as provided by law - or bringing a suit.
From Messrs. Best & Co

This Order No 1691 Messrs 15-11-99
13-11-99

The Government regrets that it cannot comply with the request of Messrs Best and Company for a copy of the Adv. Genl's opinion. No. 2. The question of amending the District Municipalities Act is under the consideration of Government.

No. G. L. B. 1/375

1/28
9/11/99

Received 6-11-99
Registered 7-11-99
Enclosures
Spare copies

To Messrs Best & Co 210
supd 17/11/99

SUBJECT.

The statement that the Council paid no attention to Govt order is not clear - apparently Mess B. & Co have not paid the tax for last year which was cancelled. The Municipal Commission has now examined Mess B & Co as agents & apparently quite properly. Mess B & Co appeal.

Requesting that they may be furnished with a copy of the Advocate General's opinion referred to in G.O. no 164 m of 99 and enquiring when the contemplated amendments to the Dist. Municipalities Act referred to in G.O. no 1102 m of 98 are proposed to be passed into law.

BACK PAPERS

G.O.	No.	Department.	Date.
80	972	Public	12-7-99

FURTHER PAPERS.

G.O.	No.	Department.	Date.

EST & CO.

WHEN RECEIVING PLEASE QUOTE
REFERENCE No. 8012/378

Urgent

Madras, 6th November, 1892.

The Secretary to

The Government of Madras,

Local & Municipal Department

MADRAS

CURRENT No. 2880 m

Sir,

We have the honor to acknowledge receipt of a copy of G.O.No.1613 Misc. dated the 31st October 1892, with reference to the claims made upon us for professional tax by the Negapatam Municipality.

On a previous occasion we lodged appeals in accordance with the provisions of the District Municipalities Act and deposited the amount of the taxes at the Municipal Office in accordance with the provisions of section 73 (ii) of the Act.

The appeals were summarily rejected, but no intimation of the fact or the reasons for such rejection were communicated to us.

On fresh notices being served upon us for another half year we addressed Government on the subject when the following order was passed:-

(Vide G.O.No.134 M. Misc. dated 8th February 1892/)

"The resolutions of the Municipal Council confirming the Chairman's assessment of the profession tax on Messrs. Best & Co., and the Burrakur Coal Company are, as pointed out by the Advocate General, ultra vires. They will accordingly be cancelled under Section 35 (1) of the Madras District Municipalities Act."

In pursuance of the above order, the assessment made on the Burrakur Coal Coy. was duly cancelled by a resolution of the Municipality dated April 1892 but no effect has yet been given to the orders of Government regarding the cancellation of the assessment made upon us.

The Municipality on the other hand reassessed us on the date in question for an Agency business we do not carry on at Negapatam and upon applying to Government for protection we are informed by the G.O. now under reply that Government regrets its inability to interfere in the case and that we should have appealed to the Council against the tax to which we object.

Considering the manner in which our former appeal was dealt with and the total disregard of the orders of Government communicated to the Municipality in G.O.No.184 M.Misc: dated 8th February 1922 this is the last course that recommends itself to us.

As Government declines to interfere and to enforce its orders the matter must be settled in a Court of Law and we have accordingly the honor to request that we may be furnished with a copy of the Advocate General's opinion referred to in G.O.No.184 M.Misc: dated 8th February 1922.

Section 103 of the District Municipalities Act provides for the recovery of taxes by distress or by process before a Magistrate or a Civil Court, and as the Municipality will now no doubt proceed to recover same under the Section in question we shall be obliged if the copy of the Advocate General's opinion asked for above be supplied us with the least possible delay.

In conclusion we would draw your attention to G. O. No.1105 M.Misc: dated 30th June 1922, and would ask when the contemplated amendments to the District Municipalities Act referred to therein are proposed to be passed into law.

We have the honor to be,

Sir,

Your obedient servants.



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When examined
When signed

189

READ AGAIN G.O., No. , DATED
189

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DETTO.

PAPERS NOT FILED UP, BEING KEPT FOR DESPATCH
IN ORIGINAL.

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