L. & M.
5,000—2-4-99.

E

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 2352 L

DATED 20-11-99

[Despatch Abstract.]

Fees

Referring, with remark, to the Advocate General for opinion letter from the President Dt Board, Madura requesting orders on the question of levying —— on sunshades &c projecting over public streets, and communicating to the Legislative Department the question of the advisability of inserting in the Local Boards Act a section corresponding to a certain section in the Dt Municipalities Act.

BACK PAPERS.

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

FURTHER PAPERS.

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

by posts, wires &c &c projecting from the side walls or roofs on the side of the road.—

Note Please see the last paragraph of the President's letter.

Local and Municipal Dept

Cir No 2890 L.

Order No 2352 Lands 20 11 99

The President's letter will be referred to the Advocate General for favour of opinion as to whether section 57 (iv) of the Local Boards Act may be held to authorise the levy of fees on sun shades and the like, which project over the street, ~~being~~ subjected ~~to~~ and which in Municipal ~~the~~ areas are taxable under section 169 of the Districts Municipalities Act. In case this is considered illegal, the Advocate General is requested to state whether there is any and if so, what provision of law, under which a check can be exercised over the erections in question.

2. The advisability of inserting in the Local Boards Act, a section corresponding to section 169 of the Districts Municipalities Act at least so far as Municipalities are concerned will be communicated in the Legislative department for the consideration of the Select Committee of the Legislative Council now sitting on the Bill further to amend

[G. 26]
250—18-2-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 2890 L

SUBJECT.

Erection of sunshades &c

FOR ORDERS.

As pointed out by the President of the District Board in para 3 of his letter, Section 57(iv) of the Local Boards Act authorises the levy of fees for the temporary erection of pandals and other structures in streets and other public places in a union and thus corresponds to section 170 of the District Municipalities Act. But apparently it does not authorise the levy of fees on sunshades and the like, which project over the street without touching the ground, which in Municipal areas are taxable under section 164 of the District Municipalities Act, as there is no corresponding

re Local Boards Act.
(From orders)

V.R.
15/11/97

18/11/97

Ref. Please keep papers together & return the file to me after the fair copies are despatched
17/11/97

To The Govt Solicitor L&O
" Asst Secy Madura P&O
" Legislative Dept. L&O

Despd 20/11/97

15/11

ing provision in the Local Boards Act. These sunshades &c should therefore if is submitted be dealt with under Section 98 (1) of the Local Boards Act & be permitted or disallowed by the President of the Local Board as the circumstances of each case may require.

2. Even in the Bill to amend the Local Boards Act now under consideration by the Select Committee of the Legislative Council, no provision corresponding to Section 169 of the District Municipalities Act has been inserted, apparently because it was thought that the erection of sunshades &c in non-municipal areas was not usual. It is, however, for consideration whether in the circumstances now brought to light in the letter read above, a provision similar to the one existing in the District Municipalities' Act may not be made in the Local Boards' Act, at least so far as Harbours are concerned.

V.R. 13/11/99

Submitted that the papers may be referred to the Select Committee on Loc. Wt. Bill

I don't think this is applicable.
MA

Yes MA

Draft please
17 x 99.

I think it would be a straining of the section to apply it to such cases — however ask the A.G.
MA

The question in the meanwhile is whether any reply should be given to the President of the District Bd. It is submitted that the advocate general may be asked his opinion — the question is whether under § 57. iv of the Loc. Wt. Act — Fees for the temporary erection of pandals &c

Yes — it seems desirable.
MA 16.11.99

cases. fees for the erection of which are really permanent pandals or screens, though made of material which only lasts for a short time & so constructed as to be easily removeable — Probably the Act does not justify the levy of a fee on the pandal opposite a shop, which is intended as a permanent convenience — but the matter is doubtful.

In any case in large towns it comes seem advisable to confer powers similar to those granted to Municipalities

15 — xi 99

Local & Munl. (1897) Department.

CURRENT No. 28902.

From The President, District Bd Madura.

Order

RC No 833 of 1899

Dated 14th Octr 1899

Received 16th

Registered 16th

Enclosures Nil

Spare copies

SUBJECT.

Sunshades or Governor's Saddles
Reporting for orders certain points
Connected with the erection of —

23/10/99.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

R. C. No. 833 of 1899.

Madura District Board Office,
14th October 1899.

From

L.E. Buckley Esquire,
President, District Board,
Madura.

To

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

LOCAL & MUNICIPAL DEPT.
RECEIVED ... 2890

Sir,

I have the honor to report the following matter for favour of the orders of Government:—

2. There is in this District a practice of putting up sunshades or Governor's tattics as they are locally known, outside bazaars and houses and projecting over the street. These are movable and being hung on rough and ready hinges at the top and the lower ends being raised up by posts which either project from the side wall or rest on the side of the road. Till 1898 these were assessed in the area under the jurisdiction of the Ramnad Taluk Board, when it was determined to levy on them a fee of 3 annas per 50 square feet per annum. The inhabitants of Sivaganga Union protested, and my predecessor Mr. Partridge considered that the Act sanctioned the levy of fees only for the temporary erections of pandals on occasions of marriages &c and that it contemplated no interference with sunshades. To this Mr. Banerji replied as follows:—

"The system of levying fees for the erection of Governor tattics in front of bazaars and houses, so far as it is introduced in Unions under the Control of this Board, is found to be of great use to prevent encroachments in public streets." (Pandals in front of bazaars

cannot be considered as permanent Con-
-structions; if so, they are clear encroach-
-ments over the Union drains and streets
and should be removed wholesale as en-
-croachments. They are used for shade
and keeping off the sun at day time, and
are put up with mere bamboo posts fixed
in a standing position. Some check is
necessary to prevent the bazaar streets
getting too narrow. It is the general
practice in all the Unions to gradually
extend the pandals by putting pucca plats
on the drains with stones and imperceptibly
encroaching on the streets. This has made
almost all the bazaar streets in the
several Unions too narrow. To prevent
further encroachment, the Board has
passed in its Proceedings No 82, dated
19th March 1899 fixing 3 annas for every
50 square feet or fraction thereof as
the fee to be levied. This fee if not paid,
and in case license is not applied for,
the pandals are declared as encroachments
and ordered to be removed. I consider
this to be perfectly justifiable under the
Act, and the only remedy to check the
bazaar men from altogether usurping
the Union drains and lanes between
their shops. I have inspected most
of the Unions and found that big slabs of
stone have been put upon the drains, and
in fact pucca plats built in them so as
to make it appear as if these form part
of their shop buildings. These are being ordered
by me to be declared as encroachments
and notices are being issued for
their removal. As regards these small
sheds projecting over the bazaar streets
along both sides supported by bamboo
posts, unless fees are levied, there would
be no check on their further projection.

However if you consider the levy of
such fees illegal, I shall have to order
their wholesale removal as encroach-
-ments - a measure much more drastic
and severe than that complained of
by the petitioners in the Mahazar pre-
-sented to you". On this Mr Partridge
remarked "I certainly consider that
the Local Boards Act did not contem-
-plate any charge on these sattirs which
have hitherto been untaxed. I consider
that the resolution of the Taluk Board
is not according to the provisions of the
Act".

3. The Municipal Act deals with sunshades
in section 169; it deals with temporary
erections in a street on occasions of fairs
festivals, and ceremonies in section 170.
Section 57. III of the Local Boards Act author-
-izes the levy under the Act, of fees for
licenses granted for the temporary
erection of pandals and other structures
in streets and other public places. I
am of opinion that this section covers
only such cases as would be dealt
with in a Municipality under section
170 and that it does not authorize
levy of fees on sunshades. It is true
that these sunshades are of a temporary
nature in as much as they are built
of palmyra leaves and supported by
movable posts and not by brick
and stone pillars; but they are raised
every day, and therefore are permanent
and not temporary erections. However
useful they may be to the individual,
they project over and encroach upon
the public way and are therefore a
nuisance, and I quite agree with
Mr Banerji in all he says in his letter
dated 3rd July 1899 quoted above.

about the desirability of exercising a check over them.

I solicit orders whether my interpretation of the Act is correct and if so, how a check can be exercised over such erections.

I have the honour to be
Sir
Your most obed[ient] Serv[ant]

[illegible]
President

12.10.29.

When given for copying
When copied 20 11 29 | 12[illegible]
When examined
When signed 20/11

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A A A A A A A
LETTER OF GOVERNMENT.	
STATEMENT WITH DITTO.	
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.	

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