

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 1082 M.

DATED 31-7-99.

INDEXED.

[Despatch Abstract.]

Burial ground. Requesting the Collector of South Canara to get the owners of the land proposed to be acquired for the purpose of Muhammadan burial ground in the Mangalore Municipality to agree to sell it or fix a price agreeable to all and report the result to Govt.

BACK PAPERS.

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

FURTHER PAPERS.

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

[L. & M.]
250-10-12-08.

House of Representatives in Mangalore

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., No. dated - 189 .
 Again G.O., No. dated 189 .
 Current No. 1387h. of 1899, dated , from the Colls of S. Canara.
 " " " 189 , " , "
 " " " 189 , " , "

His
ORDER. No. 1082 *revised* 31-7-88

The Government observes that no attempt appears to have been made to get the owners of the land in question to agree to sell it or to fix a price which would be agreeable to all. The Collector is requested to do this and report the result as soon as possible. (From orders)

V.R.
 25/11/11
 8560/7.99
 27

The
 The Collector of South Canara.
 " Chairman, M.C. Mangalore
 Date 3/8/99

C. No. 1380

SUBJECT.

Closure of Burial grounds
Mangalore.

ORDER.

The Government agrees with the Collector in considering that it is unnecessary to have the lands ^{in question} revalued, as required by the Municipal Council.

2. The draft notification, submitted by the Collector, with his letter No. 628, dated 9th September 1895, as amended by Government, will now be published in the Fort Saint George Gazette.

3. As soon as the lands have been acquired and are ready for use, the Municipal Council will obtain the sanction of Government for the issue of a notification under section 240 of the Madras District Municipalities Act.

of 1884, as amended by Act
1897, for closing the burial
grounds referred to in para. 2 of
No. 1784 M, dated 22nd Novem-

ber 1894.

11/1/99

6th 99.
19-7

H M

There does not seem
to have been any attempt
to get the owners of the
land to agree to sell
or to fix a price wh. wd.
be agreeable to all.

The Commr. should be asked
to do this - if it
has not been done before.

check file & see

MA 20-7-99.

To

The Charminar, M.C. Mangalore
Collector of South Canara.

Lazette.

1st Enclt.

Check file if no attempt
has been made to settle
price put up draft No.

606

21.7.99

No attempt appears to have been made to
settle the price. A draft order is accordingly
put up. 11/1/99

Closure of Burial grounds in the Mangalore Municipality

Current No. 1380 M.

For orders.

The Sanitary Commissioner and
his Deputy having frequently point-
ed out that there were numerous
burial grounds in the thickly-popu-
lated parts of Mangalore and that
they should be closed as they were
dangerous to the health of the
people, the Municipal Council of
that town issued, on the 12th October
1891, with the sanction of Govern-
ment, a notice under section 240
of the District Municipalities Act
closing as many as 28 burial
grounds and directing that a plot
of land which it had acquired near
the Sultan's Battery road should be
after he used in their stead
burials. Upon this, the Municipality
of Mangalore presented a memorial

Vide G.O. 1203rd and para. 7 of
20-7-74
the Sanitary Commissioner in G.O. 280 M. P
2-3-91

Vide the notification flagged &
in G.O. 1784 M
22-11-94

to Government, through the Collector, protesting against the closure of their burial grounds, and objecting to the site selected by the Municipal Council ^{chiefly} on the grounds that it was situated at an inconvenient distance from the town and was close to the pondrette depot. The Collector was, however, of opinion that certain burial grounds specified by him should be closed, but observed that the site selected by the Municipal Council did not meet with the wishes of the Muhammadan Community that it would not be possible to induce them to use it, even if the pondrette depot was removed. He, however, succeeded in selecting two places in its stead, to the use of which, he stated, both the Muhammadans and the District Medical and Sanitary Officer had no objection, and stated that if they met with the approval of Government, the Council might be asked to acquire them. The Government thereupon directed the Collector to

Vide the Memorial in G.O. ^{R.} 1784 M.
22-11-94

Vide his letter in G.O. ^{S.} 1784 M.
22-11-94

Para. 2 of G.O. ^{T.} 1784 M.
22-11-94

to submit draft notifications for the acquisition of the two plots of land referred to by him and stated that as soon as these were in readiness, sanction would be accorded to the issue of a notification closing the burial grounds specified in his letters.

2. The Collector accordingly submitted draft notifications for the acquisition of these lands, but as he estimated the cost of acquisition at Rs. 10,838-10- inclusive of the 15 per cent increase on the market value allowed by Clause (2) of section 23 of the Land Acquisition Act I of 1894, the Municipal Council protested against his valuation as being excessive and stated that as its income was hardly sufficient to meet even the ordinary requirements of the town, it could not bear a portion of the cost of acquisition.

Vide Collector's letter in G.O. ^{836 M.} 16-5-95 V

of the grounds and that the same
 should therefore be paid from
 Provincial funds. The value put
 upon the lands by the Collector,
 which amounted roughly to Rs 3700
 per acre on an average and varied
 from Rs 1600 to Rs 900 per acre in
 individual cases, appeared also to
 go to be extraordinarily high, and
 the Collector was therefore then re-
 -quested to report by whom the
 draft notifications were prepared
 and on what data they were based,
 and to explain fully what special
 grounds he found for recommend-
 -ing the payment of such ab-
 -normal rates. In reply to this,
 the Collector stated that the ori-
 -ginal draft notifications were
 prepared in his office on the re-
 -port of the Tahsildar, which was
 submitted after local enquiry and
 theification of the rates, that the rates
 are not excessive considering the situa-
 -tion of the lands and the amount

Visé Gp $\frac{836m}{16.5-95}$ W

Visé his letter info $\frac{1825m}{4-11-95}$

paid fifteen years of
 German Mission for the purchase
 of lands in the neighbourhood,
 and that the original estimate of the value
 of the lands proposed to be acquired had again been
 verified by the Head Quarters Deputy Collector
 Mr Pinto, after the receipt of No
 836m, dated 16th May 1895. In view
 however, of the high price to be
 paid and also of the dislike of the
 Muhammadans to some of the plots
 which were filled with the refuse of
 the town, the Collector proposed the acquisi-
 -tion of only two blocks measuring
 1.45 acres at a total cost of
 Rs 3414, for which he submitted
 a revised draft notification, and
 stated that he could not suggest
 any other locality. The Government
 agreed with the Collector that it
 would be sufficient if the plots of
 land referred to by him were acquired
 and stated that the Municipal Council
 would do well to make the money
 necessary for the purpose, as it was
 impossible to discover other sites where

Visé Gp $\frac{1825m}{4-11-95}$ Y

would be at the same time sanitarily
unobjectionable, agreeable to the
Muhammadan community, and cheap.

3. The Municipal Council having
realized a sum of Rs 6780 by the
sale of the land near the Sultan's
Battery road, which was originally
proposed to be used as a Muham-
-madan cemetery, but subsequently
abandoned, an allotment of that amount
was made by it in its budget for
1898-99 for the acquisition of
burial grounds for the Muhammadan
community. But the Council still
considered the estimated value of
the lands to be very excessive and
requested government to order a
reevaluation. The Collector, to whom
the Council's request was referred
for remarks, now states that the
lands having been valued more than
once and the valuation on the second
occasion having been checked by
the Head Quarters Deputy Collector,
Dewan Bahadur A. Pinto, who had
great experience as a land acquisition
officer, it seems to be useless to
get

Vide para 12 of the Chairman's
budget letter in G.O. $\frac{286m}{2.3.99}$ N
Also para 18 of Ch. letter in G.O. $\frac{1718m}{4.8.99}$

Vide para 4 of G.O. $\frac{286m}{2.3.99}$ N

Vide current No. 1380m of 99.

by the Municipal Council. He
adds that a valuation by the
Revenue officer is useful only
as showing what amount will
probably be required for the acqui-
-sition of the land so that it
may be provided for, and that, as
the amount to be paid under
the Act may be more or less
than the amount originally esti-
-mated and the award of the
acquiring officer and of the
appellate authorities, should there
be an appeal, will depend upon
the evidence which the owner or the
Municipality may adduce as to
the value fetched by similar lands
in the neighbourhood, the Munic-
-ipal Council will do well to adduce
such proof before the acquiring
officer instead of pressing for
a revaluation which will not be
binding upon any one. He remarks
that

that it looks as if the Municipa-
l Council were averse to the acqui-
sition of any land for the pur-
pose specified and were merely
attempting to shelve the whole
matter, and he therefore proposes
that the ^{revised} draft declaration sub-
mitted with the Collector's letter
No 628. Eng/95, dated 9th September 1895,
disposed of in G.O. No 1825 M. dated
4th November 1895, may now be
published in the Fort Saint George
Gazette.

4. As observed by the Collector,
it seems to be altogether useless
to order a revaluation of the
lands as requested by the Muni-
cipal Council. The cost of acquiring
them was estimated in 1895 at
Rs 3414 and as the Council has
allotted Rs 6700 for this purpose
in its budget for the current year,
there are ample funds for the acquisition of the lands, and
it is submitted that the revised
draft notification submitted with
the Collector's letter No 628 dated
9th September 1895 may now be
published in the Fort Saint George
Gazette.

Gazette. The accompanying draft
order is submitted for approval.

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7/11/99

606

19.7.99

H. Jm

Local & Munl. (1899) Department.

CURRENT No. 1380m



From

The Collector of
South Canara.

Order

Dis. No. 226R
4.10/99

Dated 15th May 1899.

Received 19th

Registered 20th

Enclosures —

Spare copies incl.

SUBJECT.

Muhammadian Burial Grounds.—
Stating that for reasons given it
is useless to purchase the lands
proposed to be acquired for the
purpose of — and referred to in
the Government Order quoted within

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Dis. No. 226 R of 1899.
G.B.

SOUTH CANARA COLLECTOR'S

Mangalore,

15th May 1899.

FROM

A. F. Finney Esquire,
Ag. Collector of

South Canara.

To

THE CHIEF SECRETARY TO GOVERNMENT,

Local and Municipal Department,

Fort St. George.

Sir,

With reference to para 4(5) of G. O. No. 286 m.
dated the 2nd March 1899, I have the honor to state that
the lands in question have already been valued more than
once and the reasons for the high price have been fully
explained in paras 2 and 6 of Mr. Welsh's report
Dis. No. 628 dated the 9th September 1895. The valuation
on the second occasion was checked by the Head Quarter
Deputy Collector, Dewan Bahadur A. Pinto who had
great experience as a land acquisition Officer and
whose report was also submitted to Government with
the said letter. It seems to me therefore useless to get
the lands revalued as desired by the Municipal
Council. Besides, a valuation by the Revenue Office
is useful only as showing what amount will pro-
bably be required for the acquisition of the land
So that it may be provided for. The amount to be
paid under the Act may be more or less than
amount

80 1825 m.
4-11-95

amount originally estimated. The award of the acquiring Officer and of the appellate authorities, should there be an appeal, will depend upon the evidence which the owner or the Municipality may adduce as to the value fetched by similar lands in the neighbourhood. The Municipality will therefore do well to adduce such proof before the acquiring Officer instead of pressing for a revaluation which will not be binding upon any one. It looks as if the Municipal Council were averse to the acquisition of any land for the purpose specified and were merely attempting to shelve the whole matter.

2. I would accordingly propose that the draft declaration submitted with Mr. Welch's aforesaid letter, be now published in the Fort St. George Gazette so that the lands may be acquired without further delay. From para 12 of the Chairman's letter read in the G. O. under reply, it would appear that the Municipality has got more than sufficient funds to pay the value of the lands.

I have the honor to be,

Sir

Your most obedient servant

Am. S. S. S.

Acting Collector.

When given for copying _____
When copied _____
When examined _____
When signed _____ 2/8

189

HEAD AGAIN G.O., No. 180

, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

ATTACHMENT WITH DUTY.

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