[ L. & M. / 5,000—5-4-96. ]

# Local & Munl. (1899) Department.

MISCELLANEOUS.

**G.O., No.** 740 M

**DATED** 25-5-1899

INDEXED. DESPATCHED

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[Despatch Abstract.]

Petition. Concurring in the Remarks of the Collector of the Nilgiris regarding the Construction of building in the New agraharam Ootacamund & declining to interfere in the matter as requested by Certain inhabitants of Ootacamund.

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
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# Local & Munl. (189 ) Department.

**CURRENT No.** 784 M

H.M.:
H.E.:

Fnwd
20 V 99
&
Cirs. 784 & 799 M and 1007 M/99

Misc.

**From** The principal Residents of Ootacamund.

**No.** A.H. 19.5.99

**Dated** 5-3-99

**Received** 10-3-99

**Registered** 11-3-99

**Enclosures** nil

**Spare copies** —

**Order** No. 740 M Misc. dy 25-5-99

The Government ~~fully~~ Concurs in the remarks of the Collector in his letter to the Chairman No. 202, dy 18th February 1899.

(The M.C. should have used its powers under Sec. 180.) H.M. 28.4.99 A.H. 9.5.99

& Govt cannot interfere in the matter.

V.R. 7/4/99

Note

The only thing Govt can do would be to take up the land under the Act it is submitted it is not a case for that. Col Garwood in his note stated that with certain alterations there was no objection to the buildings = without further legislation nothing more can be done.

29.iv.99

This paper should be circulated to His Excellency the Govr. - Vide D.O. from Private Secretary flagged D.

with the last letter, the Chairman forwards a resol. of the Council, in reply to the Collector's requisition to reconsider its resoln. of the 11th Feby 1899. F.

Chairman, M.C. Ootacamund
Thro' the Coll. of the Nilgiris

Recd. 29/5/99

## SUBJECT.

29.iv.99

Praying in the circumstances stated that Government may not grant permission to erect buildings on certain unoccupied land on the east side of the Commercial Road at Ootacamund.

18/5

## BACK PAPERS

| G.O. | No. | Department. | Date. |
|---|---|---|---|
|  |  |  |  |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
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To His Excellency Sir ARTHUR ELIBANK HAVELOCK, G.C.M.G., G.C.I.E., Governor of Fort St. George, in Council,

This Humble Petition of the principal Residents of Ootacamund,

L [illegible] AL DEPT.
784 m

SHEWETH,

1. That application has been made to the Ootacamund Municipal Council on behalf of Rajah Venugopal, the owner of certain unoccupied land on the east side of Commercial Road, to erect on the said land new buildings.

2. That under the limited powers vested in the Municipal Council it is said to be impossible for that body to refuse the requisite sanction.

3. That the Municipal Council is opposed to the proposed new buildings being erected, on the grounds that such is likely to lead to insanitary overcrowding, and on the 11th day of February last passed a resolution by six votes to one to refer the matter to Government.

4. That your petitioners desire by this petition to do all in their power to strengthen the protest of the Municipal Council, as under all the circumstances, and the present condition of the part of the town in which it is now proposed to erect new buildings, they view further buildings, and especially of the kind desired, with the gravest apprehension as threatening the sanitation of the Station at large.

5. That if the proposal to build on this vacant space is carried out, it will lead to another line of houses, similar to those on the other side of the road and opposite, recently erected by Esoof Sait Sahib, the undesirable nature of which has been frequently pointed out by the Municipal Council. These latter, were never intended originally as dwelling places—but only as business premises and shops, but it is now a matter of common knowledge that when the native portion of the town is at all full, the whole of these tenements are crowded with people, who sleep in them and render them, from their extreme insanitary condition, a grave source of danger to the health of the Station.

6. That your petitioners would further humbly point out that by the proposed new buildings the entire character of this part of the Station will be changed, and that instead of being, as it now is, a comparatively open part of the town, with the dwelling houses of respectable Europeans on all sides, it will become nothing more nor less than a part of the bazaar, wholly and entirely given up to natives. That the tenants of the houses at the back, which constitute the Agraharum which would thus be absolutely closed in, look with strong disfavour on the present proposal.

7. That your petitioners further respectfully submit that the native quarter of a sanitarium, such as Ootacamund, is already far too close to that portion used by and occupied by the dwelling houses of Europeans, and that any additional buildings for the accommodation of natives should be restricted as far as possible to some other part of the Station further away.

of certain buildings
18/3

8. That the proposal to build shops in this open space, of itself most objectionable, is rendered far worse by the avowed intention to make them with cellars, especially as those cellars will almost certainly be used as living rooms. As, further, behind the shops native dwelling houses, with latrines attached, are also to be erected, which must necessarily be altogether shut out from the public view, the proposal will render in all probability one of the principal thoroughfares of the Station a main bazaar with all its attendant discomforts in the way of smells.

9. That the Commercial Road is at present, and must always be, the chief and direct road to a large proportion of people living up here on their way to the Hobart Park, and that your petitioners would strongly urge that such road ought to be kept as free as it now is instead of its character being entirely changed.

10. That your petitioners crave that due and speedy attention may be given to this matter, which they are convinced is of the first importance to the health and general sanitary condition of Ootacamund, and that failing a direct veto being placed on the proposed erections, Government will be pleased to exercise its powers under the Land Acquisition Act, and so preserve as far as possible the present character of this part of Ootacamund.

W. V. Walker

J. M. McLeish

D. Eduljee

H. Slone.

H. G. Sinclair
Mary Sinclair

Christian Especk.

C. H. Drew, Col.

Edwd. S. Begbie

H. Davidson

C. A. Sicardet

J. H. Smith

J. H. Manning

Albert M. Jones

E. Reay.

W. H. Holton

Fewkes

A. Taice

G. H. G. Schnavel

J. W. Minchin

Robt. D. Shortt

E. S. Shortt

W. Barnard

E. Irvine

A. M. Kerr

Geo. Hurly

Robt. Waldrey

C. S. Jennings Maj. Genl.

Robert R. Cox. Colonel

G. H. Chapman

[illegible]

W. F. Misquitta

M. H. Misquitta

T. S. Sidney.

S. Pedge.

W. Millie

Charles H. Downes Sr.

Wm. L. Spenbury.

E. J. Barnett

George Oattes.

A. B. Butler.

Wm. Parkinson

Wm. Heath

Edward Hadfield

Alex. Marriott Col.

H. Irvine [illegible]

C. B. Barclay

Kentis F. Stevenson Colonel
Ward Councillor for this division

C. T. P. Luxmore Col.

L. L. Hodson

D. Campbell

F. H. Wapdon

Ed. Clarke

J. E. Young

L. G. Dowding

F. M. Leggatt

M. G. Leggatt

J. J. S. Leggatt

H. J. Grant

Jas. H. Fennimore

W. Douglas Jones
Ward Councillor adjoining division.

J. W. Wright —

Alex Wright (Junr) Jr.

C. R. Wright.

Hon. E. W. Eagan for.

Denning Law

A. L. Stephens

W. H. Bartlett
Ex J.P. and First Class Magistrate

A. Demarré

W. Borrard.

A. Sherman

D. Hugh. Kelly

W. Marshall Major

L. R. Pearce

J. F. Kelly

E. Rose

J. Primos.

Thomas O'Santos

Chas. R. Hardy

Jas. Smith

J. L. Crowther

M. Hessenberg

J. Messenbury

Wm. Standen

Ida Lindsay

C. J.
Rob
G. H

W F
M
T.

Cha

K Eulis & Steven
ward Councillor for this division

Ivy Cottage, Ootacamund
6th March 1899

To
H. A. Sim Esqr I.C.S.
Private Secretary to H. E. The Governor of Madras
Madras

Sir
I shall be much obliged if you will at your earliest convenience kindly place the accompanying petition before His Excellency the Governor of Madras for his favourable consideration and disposal

---

Ivy Cottage, Ootacamund,
6th March 1899.

LOCAL & MUNICIPAL DEPT.

To

H. A. Sim Esqr I.C.S.
Private Secretary to H. E. The Governor of Madras.
Madras.

Sir,

I shall be much obliged if you will at your earliest convenience kindly place the accompanying petition before His Excellency the Governor of Madras for his favourable consideration and disposal.

I am, Sir,
Your Obdt. Servant,
W. V. Baker.

of ... buildings

## Local & Munl. (1899) Department.

**CURRENT No.** 799 M

ASSISTT SECY TO GOVT. LOCAL MUNL EDL & LEG DEPT
12 MAR 1899

*Order*

*From* the Collector of the Nilgiris

Col Cir No. 212/99

*Dated* 6 March 1899

*Received*

*Registered*

*Enclosures* Two.

*Spare copies*

SUBJECT.

Ootacamund Municipal Council

Submitting for orders copy of a resolution of the ——— & a letter from the Chairman of the Municipality regarding the erection of certain buildings

18/3

the

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| No | 2834 | Publ | 18 [illegible] 97 |
| Cus | 784 | Pub/99 | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
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Extract from the Proceedings of a
meeting of the Ootacamund
Municipal Council held on
Saturday the 11th February 1899

Present.

The Chairman
Col: K. F. Stevenson
W. F. Donaghue Esquire
Revd. C. Biolley
J. Browne Esq
J. S. Manning Esquire
A. M. Gool Mahamad Sait Sahib.
Dr. J. A. Menzies (not present when this resolution was passed).

Subject No. I.

Read Resolution No. 11 CO dated 28th January 1899 deferring for consideration the application from Mr. Venkatasami Pillay dated 19th December 1898, to extend & alter the buildings at Venugopal agraharam as per plan with a letter dated 25th January 1899 from the Owners of the Ivy Cottage, Bergham & Apple Cottage objecting

to

Resolution

Proposed by Col: K. F. Stevenson & Seconded by Mr. W. F. Donaghue.

That in the opinion of the Council it is considered inadvisable to erect another line of shops on the South side of the Commercial Road as it would lead to overcrowding and consequently to the erections and a letter dated 3rd February 1899 from Mr. W. F. Donaghue regarding encroachment made on public Road:

to insanitation and also to the erection of 2 godowns at the back of the shop each provided with a latrine will certainly be very objectionable. Since the Council seems, under the Act, to have no power to prevent the erection of these buildings they think the matter ought to be referred to Government for final decision.

Carried by six against one

(True extract)

Municipal Office }
11th Feb 1899 } (Sd) Geo. Hammett
Chairman

(True Copy)

3
16.2.99

For Collector

2
799/M/99

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The Nilgiris Collector's Office
Dis No. 202/1899 Ootacamund 16-2-99

From, C. J. Weir Esquire I.C.S.
Collector of the Nilgiris

To
The Chairman, Municipal
Council, Ootacamund.

Sir,

In reply to your letter No. 550, dated 13th Instant giving cover to a copy of a Resolution passed by the Municipal Council at its meeting on the 11th Instant, I have the honour to state that I have gone through the papers and find that the conclusion the Council has arrived at is that the matter should be referred to Government for decision. They have not refused a licence but have even expressly recognised that they have no authority to prevent the building. This being the case I do not see how I can interfere under section 35 (1) of the District Municipalities A

that section enables me in certain
cases to suspend the action
of Municipal Council, but
in this case the Council have
taken no action & if their
inaction is unjustifiable
section 180 (4) itself supplies
the remedy without any inter-
-ference on my part.

2. I understand
that the Council do not
object to the proposed building
on any of the grounds specified
in Section 180 (4). District Muni-
-cipalities Act & I agree with
1, you that in that case the
Council have no power
to refuse a license under
the Law as it stands; nor
for the disposal of the present
case does there seem to be
any use in appealing to
Government in the matter
as Government has no power
to

to prevent an owner of land
building on his property & has
less power to interfere in
the matter than the Municipality.
I note that the Council
allege that the erection of
these buildings will lead to
over crowding & insanitation.
If they had any specific
objection to the means of
ventilation & drainage, they
should have specified what
the alterations required were.

3. You have not asked
me to forward the Resolution
to Government & I therefore return
it in case you may wish
to do so with your remarks.
I consider it may be usefully
sent on in order to invite
the consideration of Govern-
-ment to the expediency
of giving Municipalities larger
powers in the matter of
regulating the Construction
of

Sent to Govt on the
18th April/89.

of buildings within Municipal limits.

At present the only way of preventing building provided the requirements of Section 50 of the Act are complied with, is to acquire the land under the Land Acquisition Act.

I have &c &c &c

(Signed) C. J. Weir
Collector

(True Copy)

d
10.3.98

for Collector.

1
799/mr/99

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Ootacamund Municipal
Office 21st Dec: 189

No. 5172.

From
The Chairman
Municipal Council
Ootacamund

To
C. J. Weir Esquire
Collector of the Nilgiris

Sir,

I have the honour to acknowledge the receipt on the 20th instant of your letter No. 202 dated the 18th idem, and in compliance with your suggestion to submit the following remarks for transmission to the Government.

2. In forwarding for your consideration the resolution passed by the Municipal Council at the meeting held on the 11th instant I was in hopes that you might be disposed to point out to the Council the inability of its passing a resolution, the effect of which was practically to permit the applicant to do just what he pleases, while the Council had it in its power to suggest to him such alterations in the

t... of buildings within Municipal

the plans, as recommended by Cap: Garwood R.E. in his note, and to accept what the applicant's Counsel said viz that he was "willing & ready to meet the Council half way and would make all necessary and reasonable alterations in the plans submitted that were desired".—

2. The Resolution repudiates the clear instructions laid down in the Act (Section 180 (3.4 & 5)) & it has placed the Municipality in a most unfavourable position. The Council could not say that it was not aware of the precise terms and scope of the law and I feel, as Chairman, that it would be utterly impossible to conduct the affairs of this Municipality if the Council passes resolutions regardless of law and rule.

3. The Agent of Rajah Venugopal Bahadur of Venkatagiri paid the fee for a license on the 23rd December 1898, and on the 4th February 1899, the period of "six weeks" allowed by section 180. 3&5 of the Municipal Act expired; therefore the Council had no jurisdiction over the application to build.

4. Again the Council knew that the Government on a reference made to it in December 1897, declined to consult its Law officer on the application of a Municipal Councillor to construct a house in an unsuitable locality, and intimated that the question raised by the Council would be borne in mind in connection with the legislation which it was proposed to undertake for giving increased powers to Municipal Councils in hill stations to regulate the construction and disposition of buildings.

J.
G. O No. 2834 M. Misc.
dated 18 Decr. 97.

5. The Government, at the same time, requested the Council to submit a full list of additional powers which it considered should be conferred on hill Municipalities. The list was furnished

to include all powers necessary in the view of the Council for proper administration of a hill sanitarium.

6. This was done on the 18th August 1898. The following is an extract from the list of powers regarding buildings.

"To prevent

1. The erection of buildings in unsuitable localities & in close proximity to public roads.

2. The erection of houses higgledy piggledy wherever space is available.

3. To ensure methodical arrangement being followed.

4. To prohibit the erection of buildings which may be considered unadvisable, because of overcrowding, unhealthiness, impossibility of efficient drainage of site, of position, or for other general sanitary reasons.

5. To require that every house shall have a sufficient area of land to admit of all the requirements necessary

for

the

for the house being provided on the land."

[illegible] 2884 M. 958.

7. No orders have yet been passed on the list.

8. In this connection I may mention that the Select Committee on the Bill to ~~awa~~ amend Madras Act IV of 1884 in its letter dated 21st March 1895 dwelt specially on section 180x, and said

x application to be made if when building is to be constructed.

"The period of notice has been extended from one month to six weeks & provision has been made to meet the cases where the Council neglects to pass orders on an application. We have also made it quite clear that the Council has no power to absolutely refuse a license to construct a building or well; the High Court (Indian Law Report XVI Madras 230) has ruled that this is the law at present, but it might well be made clearer"

I have the honor to be,
Sir,
Your Most Obedient Servt.
(Signed) Geo. Hamnett
Chairman

(True Copy)

to include all powers necessary

LOCAL & MUNICIPAL DEPT.
CURRENT No. 799 M

(True copy)

G.L. Cur. No. 212/99.

Submitted to the Secretary to Government Local & Municipal Department together with a Copy of my letter to the Chairman and one of the Resolution.

2. My views are detailed in the letter to the Chairman. The orders of Government are solicited in this matter. I have suggested to the Chairman that the Council should be asked to reconsider their Resolution in this matter.

Sd
9.3.99

For Collector

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**Local & Munl. (1899) Department.**

**CURRENT No.** 1007 M

*From* The Collector of the Nilgiris

*Order*

G.L. Cur. No. 212 of 1899

*Dated* 8th April 99
*Received* } 11th April 99
*Registered* }
*Enclosures* 6
*Spare copies* nil

SUBJECT

Letter from the Chairman Ootacamund Municipal Council No. 6303 dated 25th March 99

Submitting for orders regarding extra powers in respect to the regulation of the construction of buildings.

18/4

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| Mis | 799 ly/99 | | |
| Mis | 2884 ly/98 | | |
| Ro | 2834 | Rev | 18-12-97 |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
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~~No.~~

*Extract from the Proceedings of a Meeting of the Ootacamund Municipal Council held on* Satur*day the* 11th February *1899.*

~~SUBJECT No.~~ Present

The Chairman
Col: H. F. Stevenson
W. F. Donaghue Esqre
Rev: C. Birley
J. Browne Esqre
J. S. Manning Esqre
N. M. Gool Mahomed Sait Sahib
Dr: J. A. Menzies

Subject No. I

Read resolution No. XI (1) dated 28 January 99 deferring for Consideration the application from M. Venkatasamy Pillay dated 19 December 98 to extend and alter the buildings at Venugopal agraharam as per plan, with a letter dated 25 January 99 from the owners of Ivy cottage, Bergheim, and apple cottage objecting to the erections and a letter dated 3 February 99 from Mr W. F. Donaghue regarding the encroachment made on public road.

RESOLUTION :—

Proposed by Col: Stevenson and Seconded by Mr. W. F. Donaghue

That in the opinion of the Council it is considered inadvisable to erect another line of shops on the south side of the Commercial road as it will lead to overcrowding and consequently to insanitation and also to the erection of 22 godowns at the back of the shop each provided with a Latrine will certainly be very objectionable. Since the Council seems under the Act to have no power to prevent ~~the~~ the erection of these buildings, they think the matter ought to be referred to Government for final decision.

Carried by six against one.

MUNICIPAL OFFICE,
Ootacamund, 28 March 1899.

(True Extract)
G. Stewart
Chairman.

To
The Collector of the Nilgiris
Ootacamund

200
1-6-98

6
1007/m/99

No. 2

*Extract from the Proceedings of a Meeting of the Ootacamund Municipal Council held on* Saturday *the* 25th March 1899.

~~SUBJECT~~ ~~No~~.

Present:
The Chairman
C. J. Weir Esq. Collector
W. J. Donaghue Esq.
Col. K. J. Stevenson
J. Browne Esq.
A. K. Hajee Jakeer Mahomed Sait
Dr. J. A. Menzies.

Subject No. II

Read letter No. 212 dated 6th March 1899 from the Collector of the Nilgiris intimating that the attitude taken up by the Municipal Council regarding the grant of a license for building shops &c on the Commercial road can do no good in the present state of the Municipal law and suggesting a reconsideration of the resolution No I dated 11th February 1899.

RESOLUTION :—

Resolved that the Resolution passed by the Council on the 11th February 1899 be submitted to the Government with the Connected Correspondence and that the Chairman be requested to Communicate Col. Garwood's Note to Rajah Vanugopaul Bahadur and ascertain whether he agrees to the suggestions made therein.

MUNICIPAL OFFICE,

Ootacamund, 25th March 1899.

~~To~~

(True Extract)

G. E. Harnett
Chairman.

200
1-6-98

Note by Col. J. J. Garwood R.E. on the proposals for Erecting Shops &c in Commercial Road opposite Esoof Sait's shops.

After an Examination of the ground I have the following suggestions to offer to the Council.

The Shops themselves will be an improvement to the site provided they are kept somewhat further back.

As shown in the drawings they will spoil the vista of the road. At the very least the frontage should be thrown so far back that the points of the Verandahs shall not extend into the road beyond a straight line in rear of the pillar letter box and parallel to Esoof Sait's shops on the opposite side of the road, but the further they are kept back the better for the appearance of the road.

2ndly. The Eight sites for houses marked A in pencil along the stream should not be sanctioned, as the ground is low and not suited for building purposes on Sanitary grounds.

3rdly. The width of the road between the buildings and Ivy Cottage should be increased 20 feet or 25 feet so as to admit of Conservancy Carts travelling along it, and to allow for free Circulation of air and Similarly along Abdoola Hussains boundary a road way of 20 feet should be left and also a roadway between the proposed new blocks and the old Centre blocks of houses so as to admit of free Circulation of air. I have shown this in pencil on the plan.

With these alterations the applicant might be informed that on his Submitting revised drawings prepared in accordance with our new bye-laws his application will be granted.

(Sd) J. J. Garwood
6. 2. 99

True copy,

G. Hammett
Chairman O.M.C
28. 3. 99

4
1007/m/99

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4

No 5507

Ootacamund
13th February 1899.

To

C. J. Weir Esqr. I.C.S.
Collector of the Nilgiris

Sir,

Referring to sec 35(1) of the Municipal Act III of 1897 I have the honor to transmit for your consideration a resolution passed by the Municipal Council at its meeting on the 11th instant, on an application to build a line of shops and houses at new Agraharam on the Commercial road. I also send for your perusal and obliging return the connected papers.

2. The Council has not in my opinion the power to refuse a license under sec. 180.

3 Nor can it desire the reference to the Government to be made by one of the parties Mr. Baker.

I have &c.
(Signed) Geo. Hammett
Chairman O.M.

Nilgiris

Nilgiri Collector's office
Ootacamund 18th February 1899.

D Di No 202/1899.

From

C. J. Weir Esqr.
Collector of
The Nilgiris

To

The Chairman
Municipal Council
Ootacamund.

Sir,

In reply to your letter no 5007 dated 13th instant giving cover to a copy of a resolution passed by the Municipal Council at its meeting on the 11th instant I have the honor to state that I have gone through the papers and find that the Conclusion the Council has arrived at, is that the matter should be referred to Government for decision. They have not refused a license but have even expressly recognized that they have no authority to prevent the building. This being the case, I do not see how I can interfere under section 35(1) of the District Municipalities Act. That section enables me in certain cases to suspend the action of Municipal Council but in this case the Council have taken no action and if their inaction is unjustifiable, section 180(5) itself supplies the remedy without

any interference on my part.

2. I understand that the Council do not object to the proposed building on any of the grounds specified in section 180(4) District Municipalities Act and I agree with you that in that case, the Council have no power to refuse a license under the Law as it stands. Nor for the disposal of the present case does there seem to be any use in appealing to the Government in the matter as Government has no power to prevent an owner of land building on his property and has less power to interfere in the matter than the Municipality. I note that the Council allege that the erections of those buildings will lead to over crowding and insanitation. If they had any specific objection to the means of ventilation and drainage they should have specified what the alterations required were.

3. You have not asked me to forward the resolution to Government and I therefore return it, in case you may wish to do with your remarks. I consider it may be usefully sent on in order to invite the attention of the Government to the

expediency of giving Municipalities larger powers in the matter of regulating the construction of buildings within Municipal limits. At present the only way of preventing building provided the requirements of section 180 of the Act are complied with is to acquire the land under the Land Acquisition Act.

I have &c.

(Signed) W. C. McMurrey.
for Collector.

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No 5672.

Ootacamund.
21st February/99.

To:

C. J. Weir Esqr.
Collector of the Nilgiris.

Sir,

I have the honor to acknowledge the receipt on the 20th instant of your letter No 202 dated the 18th idem and in compliance with your request to submit the following remarks.

2 - In forwarding for your "consideration" the resolution passed by the Municipal Council at the meeting held on the 11th instant I was in hopes that you may be disposed

to

to point out to the Council the inutility of its passing a resolution the effect of which was practically to permit the applicant to do just what he pleases while the Council had it in its power to suggest to him such alterations in the plans as recommended by Col. Gardwood R.E. in his note and to accept what the applicant's Counsel said viz: that he was "willing and ready to meet the Council half way and would make all necessary and reasonable alterations in the Plans submitted that were desired" —

Note-
Vide report of
Correspondent
of Madras Mail
who was present
at the Meeting
held on the
10th Feb./99.

2. The resolution repudiates the clear instructions laid down in the Act (Sec. 180. 3, 4 & 5) and it has placed the Municipality in a most unfavourable position. The Council could not say that it was not aware of the law, and I feel as Chairman that it would be utterly impossible to conduct the affairs of this Municipality if the Council passes resolutions regardless of law or rule.

3. The Agent of Rajah Venugopala Bahadur of Venkatagiri paid the fee for a license on the 23d December 1898, and on the 4th February 1899, the period of "six weeks" allowed

by

raised without

by section 180 - 3 & 5 of the Municipal Act referred to; therefore the Council had no jurisdiction over the application to build.

4. Again the Council knew that the Government on a reference made to it in December /97 declined to consult its Law officers on the application of a Municipal Councillor to construct a house in an unsuitable locality and intimated that the questions raised by the Council would be borne in mind in connection with the legislation which it was proposed to undertake for giving increased powers to Municipal Councils in Hill stations to regulate the construction and disposition of buildings.

G. O. No. 2834
M. Mis
d/ 18th Dec /97.

5. The Government at the same time requested the Council to submit a full list of additional powers which it considered should be conferred on Hill municipalities. The list was further to include all powers necessary in the view of the Council for proper administration of a Hill Sanitarium.

6. This was done on the 18th August 1898. The following is an extract from the list of powers regarding buildings:

I was in hopes that you may be disposed

To prevent.

1. The erection of buildings in the unsuitable localities and in close proximity to public roads.
2. The erection of houses higgledy piggledy whenever space is available.
3. To ensure methodical arrangement being followed
4. To prohibit the erection of buildings which may be considered inadvisable because of overcrowding, unhealthiness impossibility of efficient drainage of site of position, or for other general sanitary reasons.
5. To require that every house shall have a sufficient area of land to admit of all the requirements necessary for the house being provided on the land.

7. No orders have yet been passed on the list.

8. In this Connection I may mention that the Select Committee on the Bill to amend Madras Act IV of 1884 in its letter dated 21st March 1895, dwelt specially on section 180 and said –

See supplemental to Fort St. George Gazette d/ 2d April /95 page 12.

& application to be made if well or building is to be constructed.

"The period of notice has been extended from one month to six weeks and provision has been made to meet the case when the Council neglects to pass orders on an application. We have also made it quite clear that the Council has no power to obsolutely refuse a license to construct a building or well. The High Court (Indian

Law report XVI Madras 230, has ruled that this is the Law at present but it might well be made clearer

I have &c
Signed Geo. Hamnett
Chairman Council

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Nilgiri Collector's Office
Ootacamund 6th March 1899.

Ref. on Gt. Cir. No. 212/1899.

From
C. J. Weir Esqr. I.C.S.
Collector of the Nilgiris,

To
The Chairman
Municipal council, Ootacamund.

Sir,

I have the honor to state that I have forwarded your letter No. 5672 dated 21st February to Government as I am in agreement with you that the attitude taken by the Council in the present Case can do no good in the present state of the law. I would suggest that the matter should be brought again before the Council and the recent correspondence placed before them.

I have &c
(Signed) W. C. McMurray.
for Collector.

(True copies)
G. Hamnett
Chairman Council.

3/1007/M/99

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## APPLICATION.

*Under Section 180 of Act IV of 1884 as amended by Act III of 1897.*

*Ootacamund,*
19th December 1898.

To

THE CHAIRMAN,
*Municipal Council,*
*Ootacamund.*

Sir,

I beg to apply for a license to ~~construct, re-construct,~~ extend, & alter—a Building, in Venugopaula Agraharam Ootacamund costing about Rs. 30,000 and in accordance with the provisions of Section 180, and the by-laws and rules under the same, I forward herewith the marginally noted plans* and statements.

*1. Site plan.
2. Drawing or drawings, showing *plan, sections* and *front elevation* of the building.
3. Statement of description of materials intended to be used. (This information may be entered on the plans).

The fee of Rs. 10 is herewith remitted.

I have &c.,
(Sd.) M. Vencatasawmy Pillay
~~Owner, Occupier or~~ Agent.

~~Address Door No.~~ ……………………………… Street.

---

Register No. of Application……………

Forwarded to……………………………………
……………………………………for report.

……………………………189 .

*Chairman.*

---

Overseer's.
Divisional Councillor's. Report.

1898-99
O.M.C.

Rec. 2934

(Building Houses)

From

M. Vencatasawmy pillay
Agent of Rajah
Venugopaulu Bahadur

Dated 19th } December /98
Received 23rd }

No.

Cash credit Rs 10 and
grant receipt

(Sd) Geo: H.
C

No. 4798.

Referred to W. F. Donaghue Esqr. for favour of opinion. The Chairman will be glad to accompany Mr. Donaghue on his inspection of the site on the Commercial road.

(Sd) Geo: Hamnett
Chairman O.M.C

Ootacamund }
23rd December 98 }

(True copy)

G. Hamnett
Chairman O.M.C

2/1007/om/99

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No. 6303

Ootacamund Municipal Office,
25th March 1899.

From

THE CHAIRMAN,
MUNICIPAL COUNCIL,
OOTACAMUND.

To

C. J. Weir Esqre.
Collector of the Nilgiris

Enclosures 8

Sir,

Referring to your letter No. 212 dated the 6th March 99, I have the honor to enclose for your information copy of the Resolution passed thereon by the Municipal Council on the 25th idem and to request that you will be pleased to submit the resolution with the correspondence+ marginally noted to the Government for their consideration and orders.

+ To the Collector of the Nilgiris No. 5507 dated 13th February 99.
From the Collector of the Nilgiris No. 202 dated 18th February 99
To the Collector of the Nilgiris No. 5672 dated 21st February 99
From the Collector of the Nilgiris No. 212 dated 6th March 99.

7. 2. My letter No. 5672 dated the 21st February shows that the extra powers which the Council asked for in respect to the regulation of the construction of buildings have not yet been given. Until they are given the Municipal

Council must conform to the provisions of Section 180 of the District Municipalities Act III of 1897.

I have the honor to be,
Sir,
Your most obedt. servt.

G. W. Hammett
Chairman O.M.C.

A.M.

COLLECTOR'S OFFICE
30 MAR 1899
NILGIRI DISTRICT.

RC 212/89

1/1007/M/99

8c

MUNICIPAL DEPT.
No. 1007 M

submitted to the Secy:
to Govt: L & M. Dept
in continuation of this
office Lt. Cur No 21 2/99
d/ 6th March 99.

Cur 799 M/99

c/c 8/4
Collr.

Fm'd
7.4.99

Ig
7/4

1007/M/99

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# Local & Munl. (189 ) Department.

**D.O. No.** 20

**Order**

*From*

The Private Secretary to
H. E. the Governor

No.

**Dated** 8-3-99
**Received** 10-3-99
**Registered** 11-3-99
**Enclosures** nil
**Spare copies** nil

SUBJECT

Intimating His Excellenc
wish to see the order whic
will be passed on the pe
from the Principal resid
of Ootacamund regardi
the erection of new bui
on certain unoccupied
on the east side of Comm
Road.

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| Cir 784 | M/99 | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

PRIVATE SECRETARY TO THE GOVERNOR · MADRAS

GOVERNMENT HOUSE

Madras, 8 March 1899.

D.G. No 20.

SECRETARIAT TO GOVERNMENT
MUNICIPAL DEPARTMENT

My dear Tremenheere,

His Excellency wishes me to pass* into the office for disposal & to say that he would be glad to see the order which is passed upon it in due course.

Yours sincerely,

* Petn from the Principal Residents of Ootacamund, d/ 6 March 1899

10/3/99

1007/M/99

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en given for copying
en copied
en examined
en signed 29/3

189 .

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

URRENT No.

ENCLOSURES TO C. No.

DER OF GOVERNMENT .. .. .. A A A A A A A

TER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—
A = Copy in full.
B = Not to be copied.
F = Copy abstract only.
Q = Copy heading only.