

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 822 M.

DATED 12-6-99.

INDEXED.

RECEIVED

[Despatch Abstract.]

Petition. Informing G. Senuwami Rao Sahib Tanjore, that his requests to set aside the proceedings of the Collector cancelling his election as member of the Fort East ward of the Tanjore Municipality and the postponement of the fresh election cannot be complied with.

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. 1237m

From
G. Horusamri Row Sahel
Tanjore.
No.
The petitioner's requests
cannot be complied with.

MR
31/5/99

Dated 29-4-99

Received 4-5-99

Registered 6-5-99

Enclosures 2

Spare copies nil

SUBJECT.

note

Please see the notes and orders
in fo. no 492 m dated 17th april
1899.

Appealing against the
proceedings of the Collector
of Tanjore cancelling his
election as member for the
Fort East Ward of the Tanjore
municipality and requesting
that pending disposal of the
appeal the fresh election propo-
sals be held may be ordered to be postponed.

To

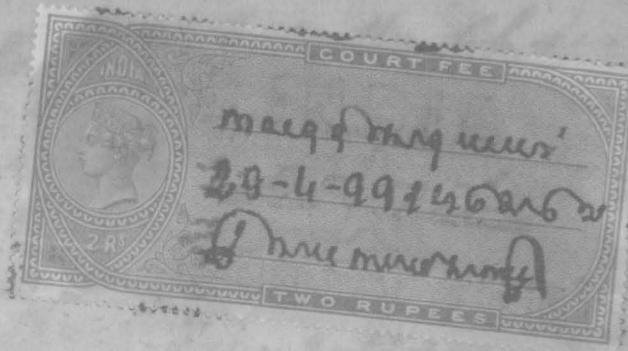
The Petitioner
with orig. enclosed returned
G.O. no 1237m 6/5/99

10/5 6/26/5/99

G.O.	No.	Department.	Date.
4053	9	Ala	11-11-99
492	Ala	9	17-4-99
1950	Ala	9	19-11-98
883	Ala	9	15-1-98
1896	Ala	9	8-12-90
646	Ala	9	12-1-88

G.O.	No.	Department.	Date.

SECRETARY TO GOVERNMENT
LOCAL & MUNICIPAL DEPARTMENT
16 MAY 1899



To
The Secretary
To the Government of Madras
Local & Municipal
Department
Madras

The petition of appeal of B. Gurusami
Row Sahib elected to the Fort East
Ward of the Tanjore Municipality on
21. 1. 1899 respectfully sheweth:—

(1) That petitioner was one of the
Candidates for ~~the~~ election at the
Recent election held by the Tanjore
Municipality to fill up the vacancy
in the Fort East Ward caused by
the efflux of time as Commissioner
of one Parimaram Chettiar in
the latter part of the year 1898.

(2) That petitioner was the successful candidate at the said election having secured an overwhelming majority of votes as against the other candidates who competed with him

Sack

and was declared by the Chair-
man as duly elected.

3. That petitioner having learnt
that his election was not approved
of by the Collector of the District
on the ground that he was not at
the time of election qualified under
the new rules for the conduct of
elections to be a candidate and
that a fresh election had been
ordered, applied to the Collector
to reverse his order on the grounds
set forth herein.

4. That the Collector without
hearing petitioner fully on the
grounds urged by him has passed
a proceedings dated 16.6.1899
dismissing petitioner's appeal which
proceedings is herewith submitted.

5. That a perusal of the pro-
ceedings itself will show that
none of petitioner's arguments
have been met by the Collector.

6. That the Collector of the District
who passed his original proceedings
Sd/-

cancelling petitioner's election gave
no notice to petitioner before can-
celling his election.

7. That the substantial question
to be considered in this matter
is whether the new rules for the
conduct of elections recently
published or the old ones relating
thereto ought to apply to the present
Case.

8. That if the old rules apply
~~then~~ ^{then} unquestionably petitioner's
election must be upheld.

9. That the order of the Collector
now complained against has
proceeded on the basis that the
new rules apply to the present
Case.

10. That the new rules do not
and cannot apply to the present
Case will be apparent from a
perusal of the new election rules
and paras 4 and 5 of G. O. No.
1950 In dated 19. 11. 98

Sca

11. That paras 4 and 5 of the above
said G. C. have reference ^{Solely} to
lists of voters and of persons eligible
for elections as Councillors.

12. That the new rules distinctly
lay down that the said lists shall
be held to be completed only after
the 20th March 1879 and that they
shall come into operation from
the 1st day of April 1879.

13. That the qualifications and
eligibility of candidates under
the new rules have to be deter-
mined only with reference to the
lists prepared in that behalf.

14. That such lists having any
validity were not admitted by
in force between 1st January
1879 and 1st April 1879.

15. That necessarily therefore
any election held during the
said period must be conducted
only with the old lists as they
obtained prior to 1st January 1879.

Sac.

16. That if the new rules regard-
ing conduct of elections began
to have force from 1st January
1899 it can be so only with regard
to other matters connected with
election, the rules regarding the
lists of voters and persons quali-
fied for election having been
declared in the very same rules
as coming into operation only
from 1st April 1899.

17. That this is the view consistent
with the rules regarding the
interpretation of statutes.

18. That further para 5 of
G.O. No 1950 in dated 19.11.98
removes any doubt or ambi-
guity about the construction
of the rules for it clearly says
"As the lists prepared under
these rules will come into force
only on the 1st April 1899. His
Excellency the Governor in
Council is pleased to direct

Sd/-

under No 13 of the rules for
the Conduct of elections by Wards
and No 12 of the rules for the
Conduct of elections by the town
as a whole at present in force
in the several Municipalities
in which the elective system of
appointing Councillors obtains that
the lists now in operation in those
towns shall continue to be so
until the 1st April 1899 in cases
in which they cease to have force
before that date.

19. That if the old rules ceased to
have any force before the 1st April
ie from 1st January 1899 so far
as the old lists are concerned
they continue to be in operation
from 1st January 1899 till 1st April
1899 by para 5 of the G.C. referred
to above.

20. That the wording of para 5
of the G.C. to the effect "as the lists
prepared under these rules —
Sec.

will come into force only on 1st April 1899" is also very significant.

21. That petitioner was eligible to be a councillor under the old rules is not denied.

22. That the petitioner is also eligible even under the new rules if the water tax on buildings and lands that he pays to the Municipality is also taken into account.

23. That though in the qualification prescribed by the new rules for Councillors liability to pay a tax on buildings or lands or on both amounting to Rs 10 a year, mention is made of water tax on buildings or lands and which is levied on buildings or land ought to be taken into account in fixing petitioner's qualifications.

24. That water tax is also a tax

See

levied on buildings and lands
as required by rule 5(a) of the
election rules will be clear from
the language of Section 75 District
Municipalities Act.

25. That from this it will be clear
that the old rules apply to the
present case and that petitioner
was eligible to be a candidate
at the time of election.

26. That the list of valid nomina-
tions having become final under
rule 18 of the election rules it was
not open to the other candidates
to contest its validity at a
later stage.

27. That the order of the Collector
complained against is perfectly
irregular and illegal.

28. That the questions involved
are questions of law and are
such as will justify a reference
to the Advocate General or
Government Pleader for his
opinion.

But the list of candidates
was not conclusive for
a man right to contest
for 15.6.88

27. opinion should the Government feel any doubt about them.

29. That petitioner further submits that he is connected with the Royal Family and is a hahatta by Caste.

That there is no representation of the ^{Yah} hahatta by Caste community in the Council at present and it is but fair that the interests of that community should be represented by a hahatta in the Council.

Petitioner for these reasons respectfully prays. (1) That the proceedings of the Collector cancelling petitioner's election may be reversed and that petitioner's election may be upheld.

(2) That if necessary Government will be pleased to refer the matter for the opinion of the Advocate General or Government Pleader for his opinion.

These points are not relevant to the present question, which is whether the election of the Petitioner is valid.

Sell

C.

That Government will be pleased to show some concession to petitioner who is a Brahmin by Caste and connected with the royal family of Tanjore and especially as Government has reserved to itself the right to interpret the rules regarding the Conduct of elections.

D.

That pending disposal of the appeal to Government, Government will be pleased to issue orders to the Collector of Tanjore or to the Tanjore Municipal Council to postpone the fresh election that has been ordered by the Collector.

Theroosamy Pau.
S. Aluantaucupina
H. Ch. Nihil
Tanjore
29.4.99.

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Appeal petition . . . 1
 Vakalat . . . 1
 Proceedings . . . 1
Total 3

When given for copying _____
 When copied _____
 When examined _____
 When signed 13/6 } 189

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

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.

N.B.—
 A = Copy in full.
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