

Legislative (1899) Department.

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G.O., No. 120

DATED 23-11-99

INDEXED

[Despatch Abstract.]

Bill further to amend the Madras Local
Boards Act, 1884.

Comg to the select committee on the — propos
Let the dep^t on the subject of inserting
in the act.
a provision requiring the owners of houses
in the towns to apply for a license when they
intend putting up sunshades &c
projecting over public streets.

BACK PAPERS.

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

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

Government {1899} of Madras. LEGISLATIVE.

Recd.

Regd.

} 1899.

Enclosures

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G.O., No. 120, 23rd November 1899.

NOVEMBER.

Bill further to amend the Madras Local Boards Act, 1884.

Communicating to the Select Committee on the — Proceedings, Local and Municipal Department, on the subject of inserting in the Act a provision requiring the owners of houses in unions to apply for a license when they intend to put up sunshades, &c., projecting over public streets.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

Read—the following paper:—

G.O., Mis. No. 2352 L., dated 20th November 1899.

Read—the following paper:—

From the President, District Board, Madura, to the Secretary to Government, Local and Municipal Department, dated 14th October 1899, Ref. on C. No. 833.

I have the honour 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 tatties, as they are locally known, outside bazaars and houses and projecting over the street. These are movable, 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 untaxed 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's tatties 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 constructions; if so, they are clear encroachments over the union drains and streets and should be removed wholesale as encroachments. They are used for shade and keeping off the sun at daytime, and are put up with mere bamboo posts fixed in a slanting 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 pyals 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 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 bazarmen 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 pyals built on 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. Moreover, if you consider the levy of such fees illegal, I shall have to order their wholesale removal as encroachments—a measure much more drastic and severe than that complained of by the petitioners in the mahazar presented to you." On this Mr. Partridge remarked: "I certainly consider that the Local Boards Act did not contemplate any charge on these tatties 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 (iv) of the Local Boards Act authorizes 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, inasmuch 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.

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

Order—Mis. No. 2352 L., dated 20th November 1899.

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 authorize the levy of fees on sunshades and the like which project over the street, being supported by posts, which either project from the side wall or rest on the side of the road and which in municipal areas are taxable under section 169 of the District 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 District Municipalities Act at least so far as large unions 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 the Local Boards Act.

(True Extract.)

(Signed) M. HAMMICK,
Ag. Secretary to Government.

To the Government Solicitor.
President, District Board, Madura.
Legislative Department.

ORDER—No. 120, Legislative, dated 23rd November 1899.

Communicated to the Select Committee on the Bill further to amend the Madras Local Boards Act, 1884.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Select Committee on the Bill
further to amend the Madras Local Boards Act, 1884.

Legislative (1899) Department.

CURRENT No. 441

From
The Local Municipal Dept.

No. 2352/1900

Dated 20-11-99

Received
Registered } 21-11-99

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SUBJECT.

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

Order No. 120 of 23-11-99
Communicated to the Select Committee on the Bill further to amend the Madras Local Board Act, 1884.

22-11-99

21/11/99

The Select Committee on the Bill further to amend the Madras Local Board Act, 1884.

Dec 29/11

12/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

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READ AGAIN G.O., No.
129

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Order complete. 35
Letter only.
Order complete with Letter.

4/

CURRENT No. 441

A

After striking off
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with paper docket

Mr

22/4/89

ENCLOSURE TO C. No.

ORDER OF GOVERNMENT

A

LETTER OF GOVERNMENT.

STATEMENT WITH DUTY.

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